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THE TRYAL AND CONDEMNATION OF Dr OLIVER PLUNKET Titular PRIMATE of IRELAND, FOR HIGH-TREASON,

At the Barr of the Court of King's Bench, at *Westminster*, in Trinity Term, 1681.

I do appoint *Francis Tyton*, and *Thomas Basset*, to Print the Tryal of *Oliver Plunket*. *Fr. Pemberton.*

DUBLIN,
Printed by *Joseph Ray* at *Colledge-Green*, for *Eliphal Dobson* Bookseller on *Cork-hill*. 1681.

BIBLIOTHECA BODLEIANA

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The TRYAL and CONDEMNATION of Dr. *OLIVER PLUNKET* Titular Primate of *IRELAND*.

THE Third of *May* 1681. in *Easter* 33. *Carol. Secundi Reg.* Dr. *Oliver Plunket* was arraigned at the *Kings-Bench* Bar for High Treason for endeavouring and compassing the Kings Death, and to levy War in *Ireland*, and to alter the Religion there, and to introduce a foreign Power, and at his Arraignment, before his Plea, he urged for himself, that he was indicted of the same High Treason in *Ireland*, and arraigned, and at the day for his Tryal the Witnesses against him did not appear, and therefore he desired to know if he could be tried here for the same Fact? The Court told him, that by a Statute made in this Kingdom, he might be tried in the Court of *Kings-Bench*, or by Commission of *Oyer* and *Terminer* in any part of *England*, for Facts arising in *Ireland*, and that his Arraignment there (he being never tried upon it) was not sufficient to exempt him from being tried here; because till a Tryal be passed, and there be a Conviction or Acquittal thereupon, an Arraignment, barely, is no Plea: For in such Cases the party is not put twice in danger of his Life, which only is the thing the Law in such Cases looks after to prevent. He then desired time for his Witnesses, which they told him he could not do till after Plea pleaded; whereupon he pleaded *Not Guilty*, and put himself upon the Country for his Tryal; and after some consideration had about time to be allowed him to bring his Witnesses from *Ireland*, the Court appointed the day for his Tryal, to be the first *Wednesday* in next Term, which was full Five weeks time. And accordingly on *Wednesday* the *8th.* of *June*, in *Trinity* Term, he was brought to his Tryal, and Proclamation, as in such Cases is usual, being made, it proceeded thus.

Clerk. of Crown. Oliver Plunket, hold up thy Hand, those good men which thou shalt hear called and personally appear, are to pass between, *&c.*

Plunket. May it please your Lordship, I have been kept close Prisoner for a long time, a year and an half in Prison; when I came from *Ireland* hither, I was told by persons of good repute, and a Counsellour at Law, that I could not be tried here; and the reasons they gave me were, that first the Statute of *Hen.* 8. and all other Statutes made here, were not received in *Ireland*, unless there were an express mention made of *Ireland* in them: So that none were received there but such as were before *Poyning*'s Act. So I came with that persuasion that I could not be tried here, till at my Arraignment your Lordships told me it was not so, and that I must be tried here, though there was no express mention made of *Ireland*. Now, my Lord, upon that, whereas my Witnesses were in *Ireland*, and I knew nothing of it, and the Records upon which I very much relye were in *Ireland*, your Lordship was pleased to give me time from the 4*th.* of the last month to this day; and in the mean time, as your Lordship had the Affidavit here yesterday, and as Captain *Richardson* can testifie, have not dispatched only one, but two to *Ireland*: into the Counties of *Armagh*, *Dublin*, &c. and where there were Records very material to my Defence; but the Clerk of the Crown would not give me any Copy of any Record at all, unless he had some express Order from your Lordship: So that whether it were that they were mistaken, or wilfully refused, I could not get the Records which were very material for me. For in some of those Records some of these that accuse me were convicted of high Crimes, and others were Outlawed and Imprisoned, and broke Prison; and there were other Records also of Excommunication against some of them, and I could not get the Records, unless your Lordship would instruct me in some way or other, how I can get over them that are most material for my Defence. The Servants that I sent hence, and took Shipping for *Ireland*, were two days at Sea, and cast back again, and from thence were forced to go to *Holly Head*, and from *Holly Head* in going to *Dublin* they were thirteen or fourteen days, the Winds were so contrary; and then my Servant went about to go into the County of *Armagh* and *Derry*, that were a Hundred miles from *Dublin*, and *Meath*, and other places; so that in so short a time, my Lord, it was morally impossible for them to have brought the Witnesses over; and those that were ready to have come, would not stir at all, unless they had a

Paſs from hence, becauſe ſome of them were *Roman Catholicks*, and they had heard that here ſome were taken Priſoners that were *Roman Catholicks*, and that none ought to come without a Paſs; and they being Witneſſes againſt the King, they might be clapped up here, and brought into very ill condition: ſo they ſent one over that made Affidavit.

L. C. J. It was the Affidavit was read here yeſterday.

Plunket. So that, my Lord, I conceive your Lordſhip will think I did it not out of any intent to put off my Tryal; for Captain *Richardſon* is here, who knows that I writ by the Poſt, and deſired them to come with the Pacquet-Boat, and they writ over to the Captain after they were landed; ſo that I depended upon the Wind and the Weather for my Witneſſes, and wanted your Lordſhips Order for the Records to be brought over, and that their Examination might be brought into Court, and their own original Examination here might be compared with it. So I humbly beg your Lordſhips favour, the Caſe is rare, and ſcarce happens in five hundred years, that one ſhould be in my circumſtances. I am come here where no Jury knows me, nor the Quality of my Adverſaries; If I had been in *Ireland* I would have put my ſelf upon my Tryal to morrow without any Witneſſes, before any Proteſtant Jury that knew them and me. And when the Orders went over, that I ſhould be tried in *Ireland*, and that no *Roman Catholick* ſhould be upon the Jury, and ſo it was in both the Grand and other Jury; yet then when I came to my Tryal, after I was arraigned, not one appeared: This is manifeſt upon the Record and can be proved.

L. C. J. There was no Proſecution of you there.

Plunket. But, my Lord, here is no Jury that knows me, or the quality of my Adverſaries; for they are not a Jury of the Neighbourhood that know them, and therefore my Caſe is not the ſame with other Caſes. Though I cannot harbour, nor do not, nor will not, nor ought not, the leaſt conceipt of hard meaſure and injuſtice; yet if I have not full time to bring my Records and Witneſſes altogether, I cannot make my Defence. Some were there then, ſome afar off, ſo that it was a miracle that in ſix or ſeven Commes they could do ſo much as they did: But they got in ſeven or eight of them, yet there were five or ſix wanting: Therefore I beſeech your Lordſhip that I may have time to bring my Records and Witneſſes, and then I

will

will defie all that is upon the Earth and under the Earth to say any thing against me.

L. C. J. Look you, Mr. *Plunket*, 'tis in vain for you to talk and make this discourse here now; you must know, that by the Laws of this Kingdom, when a man is indicted and arraigned of Treason or Felony, 'tis not usual to give such time; 'tis rare that any man hath had such time as you have had, five weeks time to provide your Witnesses. If your Witnesses are so cautious, and are such persons that they dare not, or will not venture for fear of being apprehended, or will not come into *England*, without such and such cautions, we cannot tell how to help it; we can't furnish you with Witnesses, you must look to get your Witnesses your self; if we should stay till your Witnesses will come, perhaps they will never come here, and so you will escape out of the hands of Justice. Do not be discouraged in this, the Jury are strangers to you peradventure, but they are honest Gentlemen, and you shall have no other upon your Jury; and you may be confident, that if there be not some Fact proved against you, that may amount to Treason, you shall be discharged; they are persons that understand so much, and we will direct them so much. You shall have as fair a Tryal as if you were in *Ireland*; but for us to stay for your Witnesses, or send you back to *Ireland*, we cannot do it: Therefore you must submit to your Tryal. We heard your Affidavit yesterday, and we did then tell the Gentlemen that moved it, as much as we tell you. You are here to be tried, look to the Jury as they are called, and except against them if you will.

Plunk. My Lord, I desire only to have the favour of time, some time this Term. *L. C. J.* We can't do it.

Cl. of Cr. Swear Sir *John Roberts*.

Plunk. I humbly present this to your Lordship, I am then in eminent danger of my Life, if I cannot get ten days to have my Witnesses over: I desire I may have but to the 21*th.* of this month, and then if they do not come you may go on.

L. C. J. We cannot do it, you have had five weeks time already.

Plunk. I desire but a few days.

Cryer. Sir *John Roberts*, take the Book, look upon the Prisoner; You shall well and truly try, &c.

Plunket. My Lord, I desire to know whether they have been of the Juries of *Langhorn*, or the Five Jesuits, or any that were condemned?

L. C. J.

L. C. J. What if they have, that is no exception.

Then the Jury was sworn, whose Names follow.

Sir John Roberts,	*Richard Gowre,*	*Thomas Hodgkins,*
Thomas Harriot,	*Richard Pagett,*	*James Partherich,*
Henry Asburst,	*Thomas Barsby,*	*Samuel Baker,*
Ralph Bucknall,	*John Hayne,*	*William Hardy.*

Cl. of *Cr. Oliver Plunket,* hold up thy Hand. You of the Jury look upon the Prisoner and hearken to his Charge.

HE *stands indicted by the Name of* Oliver Plunket, *late of* Westminster, *in the County of* Middlesex *Dr. of Divinity, for that he as a false Traytor against the most Illustrious and most Excellent Prince our Sovereign Lord* Charles *the second, by the Grace of God, of* England, Scotland, France, *and* Ireland *King, and his natural Lord, the fear of God in his heart not having, nor weighing the duty of his Allegiance, but being moved and seduced by the instigation of the Devil, the cordial Love, and true and due natural Obedience, which true and faithful Subjects of our Said Sovereign Lord the King, towards him our said Sovereign Lord the King do and of right ought to bear, utterly withdrawing, and contriving, and with all his might intending the Peace and common Tranquillity within the Kingdom of* Ireland, *as also of this Kingdom of* England *to disturb, and War and Rebellion against our said Sovereign Lord the King in the Kingdom of* Ireland, *then being the Dominion of our said Sovereign Lord the King in parts beyond the Seas, to stir up and move, and the Government of our said Sovereign Lord the King there to subvert, and our said Sovereign Lord the King from his Regal Power & Government there to Depose and Deprive, and our said Sovereign Lord the King, that now is, to Death and final Destruction to bring and put, and the true Worship of God within the said Kingdom of* Ireland, *by Law established and used, to alter & the Superstition of the Romish Church; the first day of* December, *in the year of the Reign of our Sovereign Lord* Charles *the Second, now King of* England, *&c. the 32th. and divers other days and times, as well before as after, at* Dublin *in the Kingdom of* Ireland, *in parts beyond the Seas, with divers other false Traytors unknown, traiterously did compass, imagine, and intend the killing, Death and final Destruction of our said Sovereign Lord the King, and the antient Government of his said Kingdom of* Ireland *to change, alter, and wholly to subvert, and him our said Sovereign Lord the King, that now is, from the Crown & Government of his King-*

Plunket *dom*

dom of Ireland *aforesaid to depose & deprive, and the true Protestant Religion to extirpate, and War and Rebellion against our said Sovereign Lord the King, there to move and levy. And to fulfil and accomplish his said most wicked Treasons, and Traiterous compassings, imaginations and purposes aforesaid; he the said* Oliver Plunket, *the said first day of* December, *in the aforesaid* 32*th. Year of the Reign of our said Sovereign Lord the King, that now is, with Force and Arms,* &c. *at* Dublin, *in the Kingdom of* Ireland, *then being the Dominion of our said Sovereign Lord the King in parts beyond the Seas, maliciously, devilishly and traiterously did assemble and gather together himself, with divers other Traitors unknown, and then and there devilishly, advisedly, maliciously, subtilly and traiterously did consult and agree our said Sovereign Lord the King, that now is, to Death and final Destruction to bring, and from his Crown and Government aforesaid to depose and deprive, and the Religion of the* Romish *Church into the Kingdom of* Ireland *aforesaid to introduce and establish; and the sooner to fulfil and perfect his said most wicked Treasons and traitorous imaginations and purposes, he the said* Oliver Plunket, *with divers other false Traitors unknown, then and there advisedly, maliciously and traiterously did further consult and agree to contribute, pay and expend divers great Sums of Mony to divers Subjects of our said Sovereign Lord the King, and other persons unknown, to procure them the said persons unknown, our said Sovereign Lord the King, that now is, traiterously to kill, and the* Romish *Religion into the said Kingdom of* Ireland *to introduce and establish. And that he the said* Oliver Plunket *and other Traitors unknown, afterwards, to wit, the said first day of* December, *in the two and thirtieth year of the Reign of our said Sovereign Lord the King aforesaid, at* Dublin *aforesaid, in the Kingdom of* Ireland *aforesaid, within the Dominion of our said Sovereign Lord the King, with Force and Arms,* &c. *unlawfully, maliciously, devilishly and traiterously did receive, collect, pay and expend divers great Sums of Mony to divers persons unknown, to persuade and induce divers other persons also unknown, the said false Traytors in their said Treasons to help and maintain, against the Duty of his Allegiance, and against the Peace of our said Sovereign Lord the King, that now is, his Crown and Dignity, and against the form of the Statutes in that Case made and provided. To this Indictment he hath pleaded, Not Guilty.*

Mr. *Heath.* May it please your Lordship, and you Gentlemen of the Jury, This is an Indictment of High-Treason against Dr. *Oliver Plunket*

Plunket the Prisoner at the Bar, and it sets forth, that in the 32th Year of the King, at *Dublin* in the Kingdom of *Ireland*, he did compass and imagine the Death of the King, and to deprive the King of his Kingdom of *Ireland*, and to raise War to extirpate the Protestant Religion in the Kingdom of *Ireland*, and to establish the *Romish* Religion there. And it sets forth further, That for the accomplishment of these Treasons, the Defendant with several others did meet together at several places at *Dublin* in the Kingdom of *Ireland*, and elsewhere, and at these several meetings did consult and agree to put the King to Death, to raise War, to extirpate the *Protestant* Religion, and set up the *Romish* Religion. And the Indictment further sets forth, that to accomplish these Treasons, the Defendent did raise great Sums of Mony in the Kingdom of *Ireland*, and did get several persons to contribute several Sums for these Treasons: and that the Defendent with others did disburse several Sums of Mony to several persons, to persuade them and entice them to be aiding and assisting in these Treasons, and to recompence them for them. To this Indictment the Defendent hath pleaded, Not Guilty. If we prove these things, you are to find him Guilty.

Mr. Serj. *Maynard*. My Lord, we will quickly come to the Evidence. But in short, You have heard his Charge is as high as can be against the King, and against the Nation, and against all that is good. The Design and Endeavour of this Gentleman was the Death of the King, the Destruction of the *Protestant* Religion in *Ireland*, and the raising of War: And to accomplish this, we charge him, that there was a Confederacy made, Assemblies and Consultations had to these ends, and raising Mony to accomplish it. Gentlemen, Dr. *Plunket* was made, as we shall prove to you, as they there call him, Primate of *Ireland*, and he got that Dignity from the Pope upon this very Design. He did by Vertue of that Power, which he thought he had gotten, make out Warrants, Significations, I know not what they call them, to know how many men in *Ireland* could bear Arms from sixteen to forty; he raises Taxes upon the People and the Clergy there. But, my Lord, the particulars will best fall from the Witnesses that we shall call and prove it by, and we need not make any aggravation; for such a thing as this cannot be more aggravated than 'tis.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury, the Character this Gentleman bears, as Primate under a

Foreign and usurped Jurisdiction, will be a great inducement to you to give credit to that Evidence we shall produce before you. We shall prove, that this very Preferment was conferr'd upon him upon a Contract, that he should raise 60000 men in *Ireland*, for the Pope's Service, to settle Popery there, and to subvert the Government. The Evidence that we shall give you, will prove how it leads to destroy the King, and I take it according to the resolutions that have been, to raise War in the Kingdom, and to introduce a Foreign Power, will be certainly Evidence of an Attempt and Machination to destroy the King. As soon as he was in possession of his Primacy, he goes about his work. There are two great necessaries to be provided, Men and Money. For men, having this great Spiritual Jurisdiction, whereby, indeed, all that are under it are become Slaves, he issues out his Warrants to all the Clergy of *Ireland*, to give an account, and make return from the several Parishes, of all the men in them above fourteen and under sixty. And Returns were accordingly made by them, that he might accordingly take a measure what men to pick out for the Service. The next thing was Money, my Lord; and your Lordship takes notice, that when the Mind is enslaved, the Purse, nay all the Body bows to it. He issues out his Warrants to his Clergy, to make a Collection of Mony, in all parts great Sums were levied, and when they were levied, we shall give you an accompt by our Proofs, that several Sums were issued out, and sent into *France* to further the business. There was also provision made of great Ammunition and Arms, and we shall prove in particular, several delivered out by this Gentleman's Order, to carry on this thing; and to go through stitch with this business, he takes a view of all the several Ports and places in *Ireland*, where it would be convenient to land: for they were to have from *France* an Auxiliary Force, and upon his view he pitched upon *Carlingford* as the place. We shall prove the several Correspondencies between *Rome* and him, and *France* and him, and several Messengers imployed, and Monies issued out from time to time for their maintenance. This will be the course of our Evidence; and we shall begin first with some that do not speak so particularly to this Doctor, but prove there was a general Design in all parts of the Kingdom of *Ireland*, to bring in the King of *France*, and extirpate the Protestant Religion. And then we shall call the particular persons to the particular Facts against him. First we call *Florence Wyer*. [*Who was sworn.*]

Mr. Sol.

Mr. Sol. Gen. Are your sworn, Sir?

Wyer. Yes, Sir.

Mr. Sol. Gen. Pray, give the Court and the Jury an account of what you know of any Plot in *Ireland*, to introduce the Romish Religion, or to bring in the *French* King.

Wyer. Yes, I know there was a Plot, both before *Plunket*'s time, and in his time; for it was working in the years 65. and 66. but it was brought to full maturitie in the Year 1667. For then Col. *Miles Reily*, and Col. *Bourne* was sent to *Ireland* from the King of *France*, with a Commission to muster as many men as he could, promising to send an Army of 40000 men with a Commission, upon St. *Lewis* day in *August* next following, to land at *Carlingford*, to destroy all the true Subjects, to destroy the Religion as it was established there, and to set up the *French* Kings Authority and the Roman Catholick Religion. And one *Edmond Angle* that was a Justice of Peace and Clerk of the Crown, sent for all the Rebels abroad in the North to come up into the County of *Longford*, and they marched into the head Town of the County and fired the Town; the Inhabitants fled into the Castle: then they came up to the Gaol, thinking to break it open, and by setting the Prisoners free, to join them with them; but then *Angle* was shot, received a deadly wound, and drop'd off his Horse, and they fled. So then when they were without the Town, one *Charles Mac Cavell* alighted, and took away all the Papers out of his pocket; which, if they had been found, would have discovered all. This occasioned Col. *Bourne* to be suspected: and being so suspected, he was taken Prisoner, and turned to *Newgate* in *Dublin*. Then Col. *Reiley* fled away again to *France*, and the Plot lay under a cloud during the life of Primate *Reiley* the Prisoners Predecessor. This Primate *Reiley* died beyond Sea. Then many of the Popish Religion would have had the Primacie conferred upon one *Duffy*; but the Prisoner at the Bar put in for it, which might have been opposed, if the Prisoner had not engaged and promised that he would so manage affairs, that before the present Government were aware, he would surprise the Kingdom, provided the Pope and King of *France* would send a competent Army to join with them for the effecting of it. So the first Year of his coming over, I was in the Friery at *Armagh*: I was an acquaintance of the Friers, and they invited me. And one *Quin* told the Prisoner, that they thought *Duffy* would have been Primate. Said he, 'Tis better as it is; for *Duffy* hath not the Wit to do those things that I have undertaken to do; meaning that he

did undertake to supplant the Protestant Religion, to bring in Popery, and put the Kingdom under Subjection to the King of *France*.

Mr. Sol. Gen. How do you know that?

Wyer. Those were the words, and the meaning I knew before, because I had heard it talked of.

L. C. J. Who was the first of these Primates you speak of?

Wyer. Edmund Reiley. He set this business on foot first.

L. C. J. About what?

Wyer. About calling the Rebels together out of the North when they came to *Longford*.

L. C. J. What Year was that? *Wyer.* It was in the Year (67.)

L. C. J. When died he? *Wyer.* He died a little while afterwards.

L. C. J. Then *Duffy* would have it conferred on him?

Wyer. Yes, after *Reileys* decease he would have had it conferred upon him; and there was a contention between him and the Prisoner, who did engage he would bring things to that full maturity, that before the present Government were aware he would do the work.

L. C. J. How do you know this?

Wyer. I know this, because I had an account of it from certain Schoolfellows that were with me in *Ireland*, then studying in *Rome*; they wrote this to me, desiring me I would take a good heart with the rest of my Country-men, and assuredly in a short time the Kingdom would be relieved, and the *Irish* restored to their former patrimonies.

L. C. J. This you speak of their information. What do you know of your own knowledge?

Wyer. All that I know of is, he coming into the Friery of *Armagh*—

L. C. J. About what time?

Wyer. It is either 10 or 11 years ago, and there was a Fast there, and I was invited by the Friers, being their acquaintance; one *Quine* one of the Friers told him——

L. C. J. Told whom?

Wyer. The Prisoner, that he did expect *Duffy* should have been Primate? but the Prisoner made answer, 'Tis better as it is; for *Duffy* had not the Wit to manage the things that I have undertaken for the general good of our Religion.

L. C. J. Now tell me this? What things were those he had undertaken? did he explain himself?

Wyer. No further than those words: But I did conceive this was his meaning;

meaning; becauſe I knew partly of it my ſelf, knowing of the former Plot.

L. C. J. I ask you only what words came from him; and you ſay they were, That *Duffy* had not the Wit to manage what he had undertaken for the general good of their Religion.

Wyer. Yes; and then again in his Aſſembly, kept by him, he charged his Inferiours to collect ſuch ſeveral Sums of Mony as he thought fit, according to the ſeveral Pariſhes and Dignities, to aſſiſt and ſupply the *French* Forces when they came over.

L. C. J. How know you that?

Wyer. I have ſeen the Mony collected; and I have ſeen his Warrant *ſub pœna ſuſpenſionis* to bring it in, to redeem their Religion from the power of the *Engliſh* Government. Again, there were thoſe Rebels that went to *Longford*——

L. C. J. What time were thoſe Collections?

Wyer. From time to time ſince he came into *Ireland.*

L. C. J. About what time?

Wyer. 9 Year, 8 Year, 7 Year ago, and the laſt Year of all.

L. C. J. Then it was ſeveral times, you ſay?

Wyer. Yes; and he procured the *Macdonels* a piece of Mony out of the Exchequer, pretending to do good Service to his Majeſty; but he ſent them for *France*, meaning they ſhould improve themſelves and bring themſelves into favour with the King of *France*, and come over with the *French* King to ſurprize *Ireland.* This one of the ſaid Rebels told me. So I have ſeen the Priſoners Letter directed to the grand Tory *Flemming*, deſiring that they ſhould go to *France*, and he would ſee them, in ſpight of all their enemies in *Ireland*, ſafe aſhoar. And *Flemming* ſhould return again a Colonel, to his own glory, and the good of his Country. *Mr. Att. Gen.* Do you know his Hand?

Wyer. Yes, I do as well as my own. I have ſeen Capt. *O Neal*, Son of General *O Neal*, coming every year into *Ireland*, and carrying three Regiments to the *French* King into *France*; and he uſed to come over to *Ireland* every year to get a recruit; and he did get my Brother to go with him, and ſo much importun'd me, that I could hardly withſtand him; but I did not yield to his deſire: He told me it was to improve me for my good; to improve my ſelf in Military Diſcipline, and then I ſhould return for *Ireland* a Captain under the *French* King, to ſurprize the Kingdom and ſettle the Popiſh Religion, and then I ſhould be reſtored to my Eſtate.

L. C. J.

L. C. J. Who told you this?

Wyer. Capt. *O Neal.* And in the mean while, says he, I hear Dr. *Plunket* is the only man entrusted in *Ireland* to make these preparations, and get things ready against the *French* King's coming, who is to land at *Carlingford*.

Mr. Att. Gen. How often were you in the Doctor's company?

Wyer. Not very often.

Plunket. I never saw him with my eyes before in all my life.

Wyer. I have seen him in the Priory the first year that he came over to *Ireland*, and you know the meetings held at *George Blykes* house in the *Fryers*, and I have seen him in his own house.

Mr. Just. Dolben. How came you to know the Prisoners hand?

Wyer. Because I was well acquainted with his hand, seeing his hand amongst the Priests. *Mr. Just. Dolben.* Did you ever see him write?

Wyer. Yes, in the Priory, and in his own house.

Mr. Just. Dolben. How often? *Wyer.* Not often.

Mr. Just. Dolben. How often?

Wyer. Ten or a Dozen times: I should know his hand from all the writing in *London*, if it were among never so many. Let me but see it, I will know it.

L. C. J. Have you ever heard him own himself Primate?

Wyer. Yes, my Lord, he writes himself *Oliverus Armacanus Primas & Metropolitanus totius Hiberniæ*, That is his Stile.

L. C. J. Who did he say made him Primate?

Wyer. The Pope, my Lord.

L. C. J. Have you heard him say so?

Wyer. Yes, I heard him discourse of it in the Priory.

Mr. Att. Gen. He was a publick Officer, and they might well know his hand.

L. C. J. I believe any body that hath seen us write but a little, would soon know our hands.

Wyer. His hand is as well known over *Ireland*, as mine is among my acquaintance. *L. C. J.* Well, go on.

Wyer. During the time of his Imprisonment, I have seen his Commands to some of his inferiour Dignitaries, commanding them *sub pœna suspensionis*, to bring in the Monies assessed for bringing in the *French* Army, and that there was no better time than the time of his Imprisonment to bring it in.

L. C. J.

L. C. J. Who were they, you ſay, that were commanded *ſub pœna ſuſpenſionis*?

Wyer. Since his taking, I have ſeen in the time of his Impriſonment his Commands to his inferiour Dignitaries, not to be forgetful of the Monies that were aſſeſſed towards the ſupplying the *French* Army; and that there was no better time to bring in the *French*, than when he was in Priſon.

L. C. J. How long ago was that?

Wyer. The firſt of *February* (79.) The ſecond and laſt of it was in *July* and *November* laſt.

L. C. J. And this was to bring in the Mony?

Wyer. Yes, to ſupply the *French* Army. And that there was no better time than during his Impriſonment, and they ſhould not be ſo much ſuſpected.

L. C. J. And theſe Mandates you have ſeen under his hand?

Wyer. Yes, I have, my Lord.

Mr. Att. Gen. What do you know of his ſummoning or iſſuing out theſe Warrants for Liſts of men?

Wyer. I have not ſeen any of the Warrants; but the Prieſts have told me they were commanded by his Warrants to let him know how many there were in all their Pariſhes from 16 to 60.

Mr. Att. Gen. You ſay you never ſaw the Mandates?

Wyer. No, I did not.

Mr. Serj. *Jeff.* What do you know about the Priſoners viewing the Ports?

Wyer. I have ſeen him going about from Port to Port, to *Derry*, to *Carricfergus*, *Caſtle Down*, and *Carling ford*, and all about.

Mr. Serj. *Jeff.* When he went to take a view of thoſe Ports, can you tell to what purpoſe he did it?

Wyer. Yes, I heard it among the Church, That he went on purpoſe to view the Sea-Ports to know the ſtrength of all the Garriſons, and to ſee which was the moſt convenient way to bring in the *French* Army.

Mr. Serj. *Jeff.* Did you ever ſpeak with the Priſoner at the Bar about his going? *Wyer.* No.

Mr. Serj. *Jeff.* What place did he pitch on as moſt convenient?

Wyer. *Carling ford.*

Mr. Att. Gen. Were you in the Priſoners company when he viewed the Ports?

Wyer.

Wyer. I have ſeen him go to and fro; I did not go all the Circuit round with him.

Plunket. Did you ever ſee me at *Carling ford*? *Wyer.* No.

Plunket. Did you ever ſee me at any other of the Ports?

Wyer. I have ſeen you at *Hamiltons* coming back from *Derry*. Do you not remember that you lodged at at Sir *Geo.* ?

Plunket. I never lodged there in my life.

Sir *Fr. Withings.* Have you any thing more to ſay concerning the Plot in general? *Wyer.* No, in general I have not.

Mr. Serj. *Jeff.* He hath not only given an account of the general, but fixed it upon the Priſoner.

Mr. Att. Gen. Dr. *Plunket*, will you ask him any queſtions?

Plunket. You ſay you remember you ſaw me at my firſt coming as Primate 10 Years ago, and that you were at the Priory when I was there? *Wyer.* Yes. *Plunket.* You were inviſible to me.

L. C. J. If you will ask any queſtion, do; but do not make theſe kind of obſervations.

Plunket. Tell me this, Why did not you acquaint ſome Juſtice of the Peace then with what you knew, that which you had heard 7 years ago?

Wyer. When I firſt knew it, I was as willing to have it conceal'd as they.

L. C. J. What is your queſtion, Dr. *Plunket*? pray tell it us.

Plunket. He ſays, my Lord, that 10 years ago I had ſuch a deſign in hand, and he knew the Mony was collected for theſe very ends, and he knew of the deſign from that ſame Capt. *O Neal* whom I employed and ſent abroad; and that I had a deſign to bring in the *French* at *Carling ford*, and went about to all the Ports in *Ireland*, and pitched upon that as the moſt convenient; and yet it is ſo inconvenient for the bringing in a Foreign Force, that any one that knows any thing of the Maps of the World, will eaſily conclude it otherwiſe. But, I ſay, my Lord, why did not he tell ſome Juſtice of the Peace that I was upon ſuch a deſign, but let me live in *Ireland* 10 Years after, and never ſpake of it till now?

L. C. J. What ſay you to the Queſtion?

Plunket. When he ſaw me all the time, and to the time of my taking Priſoner, and never ſaid one word; for I was a Priſoner 6 months only for my Religion, not one word of Treaſon ſpoken of againſt me for ſo many Years: why did not he acquaint ſome Juſtice of the Peace with it before? *L. C. J.* What Religion were you of then?

Wyer.

Wyer. I was a Roman Catholick.

Plunket. And are you not ſo now? *Wyer.* Yes, I am ſo.

Mr. Juſt. Dolben. Therefore it will be no wonder that you did not diſcover it.

Mr. Serj. *Jeff.* But I ask you, Why did not you diſcover it all this time?

Wyer. Becauſe I was a Papiſt my ſelf: The firſt that did diſcover it, he and I did conſult about it, I had charged him ſo to do, and I ſet him on work; but he was ill paid for having diſcovered it: you got him to be trepann'd, that he hath gone in danger of his life for it.

Plunket. Who is that man? *Wyer. Meyer.*

Sir *Fr. Withins.* Call *Henry O Neal.* (*who was ſworn.*) What know you of any deſign in *Ireland* to introduce the Popiſh Religion?

O Neal. In *Auguſt* (78) Biſhop *Tirril* came with 40 odd Horſe-men to Vicar-General *Brady*'s houſe, and alighted at the door; and he gave them there an Oath, which they took willingly and freely from hand to hand, to forward the Popiſh Plot againſt the Proteſtant Religion, to make an end of them all in one hour from end to end in *Ireland*; and ſaid he, I will come within two days with an Order from the Lord *Oliver Plunket*; and you need not be afraid, for the Lord *Oliver Plunket* and I have ſent ſome Gold and Mony into *France* to get men and bring them from *France* over Sea: and do not fear, this will go on in one hour through all *Ireland* from end to end. In *September* (78) a little while after, the ſame meeting was in a place which they call *Virginia*, in the County of *Connaght*, where they took a Prieſt, he is here, and he was with me, and deſired me to come up to *Dublin* and diſcover this; and there I did diſcover it to Sir *John Davis*; which is all that I can ſay: for this *Plunket* I never ſaw him in my life.

Mr. *Jones.* You were a Papiſt then? *O Neal.* Yes, I was.

Mr. *Jones.* Are you a Roman Catholick ſtill? *O Neal.* Yes, I am.

Mr. *Jones.* And were you acquainted with all theſe Orders?

O Neal. Yes. *L. C. J.* How came you to know of this Oath?

O Neal. I was in the houſe with them; I was concerned to take my Oath with them, and I durſt not but take the Oath.

L. C. J. Had you the Oath of Secreſie given you?

O Neal. Yes: and ſo this Prieſt commanded me to go along to *Dublin* and diſcover it.

Mr. Serj. *Jeff.* What is his name? *O Neal. John Macklegh.*

Sir *Fr. With.* Do you know of any other tranſactions about the Plot?

O Neal. No, I will not ſwear for all the World more than I know.

Sir *Fr. With.* — Then call *Neal O Neal.* (*who was ſworn.*) What do you know of any deſign carrying on in *Ireland* againſt the Government and the Proteſtant Religion?

N. O Neal. I will tell you all I know: I was at Vicar *Bradey*'s houſe the 21. of *Auguſt.*

L. C. J. What year?

N. O Neal. (78.) And Biſhop *Tirril* came with 40 Horſemen to the houſe, and went into the houſe, and diſcourſed a little while; and they took their Oaths every one round to keep ſecret the Plot, to deſtroy the Proteſtant Religion and the Proteſtants, that they might have their Eſtates again. And he ſaid they did not need to fear: for, ſaid he, you have a very good man to aſſiſt you, and that is the Lord *Oliver Plunket*, and you need not fear but it will go through all *Ireland.*

Mr. At. Gen. Will you ask him any queſtions?

Plunket. Why did not he diſcover it before?

Mr. Serj. *Jeff.* Were you a Roman-Catholick at that time?

N. O Neal. Yes, and I am ſo ſtill.

Mr. *Paget* Jury-man. I deſire he may be asked how he came to be there?

L. C. J. You ſay, I think, this was at Vicar-general *Bradey*'s; how came you to be there?

N. O Neal. I was there ſeveral times before that; for my Nurſe, or my Foſter-mother (I don't know which you may underſtand beſt) was Houſe-keeper to him.

L. C. J. Were you required to take the Oath?

N. O Neal. No, my Lord, I was acquainted in the Houſe, I had been there two or three weeks before.

Plunket. Why did not you tell it to ſome Juſtice of the Peace?

L. C. J. He was a Papiſt, and ſo he is now.

N. O Neal. There were many that were wiſer than I, that did not diſcover it.

L. C. J. How old are you?

N. O Neal. I believe about two and twenty years old.

L. C. J. And this was but in (78.)

Mr. Att. Gen. Sweat *Owen Murfey.* (*which was done.*) Come, what ſay you?

O. Murfey. Mr. *Edmond Murfey* diſcovered the Plot; he went to one

one Lieutenant *Baker* and did discover the Plot to him, that there was a design to bring in the *French*.

L. C. J. Speak out aloud, I can't hear you.

O Murf. All I know is from Mr. *Edmond Murfey*.

L. C. J. What do you know of any of your own knowledge?

O Murf. Mr Lieutenant *Baker* told me that he did hear of the *French*.

L. C. J. Speak what you know your self.

O Murf. If it please your Lordship, this is more: I saw that Evidence that *Edmond Murfey* did produce in *Ireland*, when he was sent to the Gaol there; but without Trial or any thing.

Mr. Att. Gen. Then swear *Hugh Duffy*. (*which was done.*) Speak aloud, and tell my Lord what you know of this Plot and the Prisoner. You know the Prisoner, don't you?

Duffy. I know him, yes, I know him well enough.

L. C. J. What say you more of him?

Duffy. My Lord, I say I have seen this Dr. *Oliver Plunket* raising several sums of money to carry on this Plot; sometimes 10 *s. per Ann.* sometimes 20.

Mr. Sol. Gen. Of whom.

Duffy. Of all the Priests in *Ireland*; of every Priest according to his Pension and Parish.

L. C. J. In all *Ireland*? *Duffy.* Yes.

L. C. J. And towards the proceedings of the Plot?

Duffy. It was to give to his Agent which was at *Rome*, and for the carrying on the business.

Mr. Att. Gen. How come you to know this?

Duffy. I was Servant to Dr *Duffy*, who was infinitely beloved by this man: he was Father Confessor to the Queen of *Spain*: there was nothing that happened between them, but I was by all the time.

L. C. J. Were you Chaplain to him? *Duffy.* Yes.

L. C. J. You are a Papist then? *Duffy.* Yes!

Mr. Att. Gen. This is a Friar, my Lord.

L. C. J. Were you in the company with them?

Duffy. Yes, I was. *L. C. J.* What did pass there?

Duffy. About the Plot, how they could carry on the Plot: And this man *Plunket* said, he could prevail with the King of *France*, and the other with the King of *Spain*.

Mr. Att. Gen. Pray acquaint my Lord particularly when this was, and in what place, and what they said.

Duff. It was in (73) (74) and 75) at his own house; and at he kept 3 or 4 Jesuits there, and a matter of a hundred Priests.

Mr. Att. Gen. What passed in the company?

L. C. J. Who else was there?

Duffy. The discourse, my Lord, was always about the Plot, how they could contrive the matter between them; and so they did conclude afterwards to raise so much Mony upon several Priests, all the Priests in *Ireland*, sometimes 20 *s.* sometimes 40.

L. C. J. Apiece, do you mean? *Duffy.* Yes.

Mr. Att. Gen. What discourse had they about the *French* at any time?

Duffy. Yes a hundred times, he talked several times, that he did not question but he should prevail with the King of *France* not to invade *Spain*: And I have seen his Letter to Cardinal *Bouillon* to expostulate with him about the King of *France*, why he should wage War with the King of *Spain* who was a Catholick, but rather should come and redeem *Ireland* out of its Heretical Jurisdiction.

Mr. Att. Gen. Did you see the Letter? *Duffy.* Yes.

Mr. Att. Gen. Why, do you know his Hand?

Duffy. Yes I know it as well as I know my own; I know it if there were a thousand papers together.

Mr. Att. Gen. And what was the import of it, pray?

Duff. That Cardinal *Bouillon* should prevail with the King of *France* not to invade *Spain*: and the Contents of the rest of the Letter were, That he did admire he should not rather wage War with the King of *England*, who hath been an Apostate, and help their poor Country that was daily tormented with Heretical Jurisdiction.

Mr. Att. Gen. How came you to be in *France*? were you employed?

Duff. I went to *France* to live there in a Covent.

Plunk. Did Cardinal *Bouillon* shew you my Letter? *Duff.* Yes.

Plunk. What year? *Duff.* (1679.)

Mr. Att. Gen. Pray Sir, you were speaking of raising of Mony?

Duff. Yes. *Mr. Att. Gen.* Did you see any Precept about it?

Duff. Yes, I have seen several Precepts; I was Curate to one Father *Marsey*; and while that man was with Dr. *Oliver Plunket*, and other Jesuits, I did officiate in his place, and he sent his Letters to me to raise 40 *s.* and 20 *s.* a time, several times.

L. C. J. You your self? *Duff.* Yes. *Mr. Att. Gen.* What for?

Duff. It was to send to Dr. who was at *Rome*.

C 2 *Mr. Att.*

Mr. Att. Gen. Did you ſend any Mony that you know of?

Duff. Yes.

Mr. Att. Gen. Tell what time you gave the Mony your ſelf.

Duff. In (73)(74) and 75. *Mr. Att. Gen.* Where?

Duff. At his own dwelling-place at

Mr. Juſt. *Jones.* Of what Quality was the Priſoner amongſt you?

Duff. He was Primate of all *Ireland.*

Mr. Juſt. *Jones.* Under whom? *Duff.* Under whom? under the Pope.

Mr. Juſt. *Jones.* How do you know he was ſo?

Duff. We had it in his Writings.

L. C. J. Did he ſtile himſelf ſo in his Letters?

Duff. Yes, if he writ but to the leaſt man in the Country, he would write, *Oliverus Armacanus Primas totius Hiberniæ.*

L. C. J. And ſo you always underſtood him? *Duff.* Yes.

Mr. Att. Gen. Were you preſent at any of the general Conſultations or Meetings? *Duff.* Yes, I was.

Mr. Att. Gen. What number might meet at that time?

Duff. Five hundred men and women.

Mr. Att. Gen. Where was this? *Duff.* At *Clouds.*

Mr. Att. Gen. What was the occaſion and deſign of that meeting?

Duff. Confirmation from the Biſhop.

Mr. Att. Gen. And what was done there beſides?

Duff. The ſecond thing was, that the Gentlemen of the three Counties ſhould conclude together about this matter.

L. C. J. About what?

Duff. About joining the *French* and *Spaniſh* together.

Mr. Juſt. *Dolben.* Where was that meeting?

Duff. In the County of *Monaghan.*

Mr. Juſt. *Dolben.* Was the Priſoner there?

Duff. Yes, he was the chief man. *L. C. J.* When was this?

Duff. In (71) to the beſt of my knowledge.

Mr. Juſt. *Dolben.* Were you there your ſelf? *Duff.* Yes.

Mr. Att. Gen. What was the tranſaction of that day, beſides the Sacrament of Confirmation?

Duff. It was agreed that the Gentry of *Armagh, Monaghan* and *Conaght* ſhould join together; and then they went into a private Council to get a Liſt of all the Officers that were in the laſt Rebellion, and thoſe that loſt their Eſtates.

Mr. Att.

Mr. Att. Gen. How do you know that; Did you go into the Conſult?

Duffy. Yes, I was in the ſame Conſult my ſelf, and was as willing to proceed in the matter as any one in the world.

L. C. J. Where was this?

Duffy. Within two miles of *Clouds*, at one Father houſe.

L. C. J. Was that at the time when there were ſo many perſons met? Pray ſpeak what was done there beſides Confirmation.

Duffy. Why, they were withdrawn aſide into a Garden; ſome ſtood up, and ſome ſat down; and *Oliver Plunket* ſtood in the middle of them all as a Prelate, and every one kneeled before him and kiſſed his hand.

Mr. Att. Gen. What was then ſaid?

Duffy. Then they did conſult and gave ſpecial Order to ſome of them to get a Liſt of all the Officers in the late Rebellion, and that loſed their Eſtates, and that they ſhould be more forward than others to proceed in that wicked Deſign.

L. C. J. What was that Deſign?

Duffy. To deſtroy all the Proteſtants together.

Mr. Att. Gen. Was it to mingle the *Iriſh*, and *Spaniſh*, and *French* Army together? *Duffy.* Yes, it was.

Mr. Att. Gen. Did you hear the Priſoner ſpeak about it?

Duffy. Yes, and he made a Speech before them concerning our own Faith and Religion.

Mr. Att. Gen. Was there any mention of Mony at that time?

Duffy. It was, that every man of them that could diſpoſe of Mony ſhould provide ſome for thoſe Gentlemen that would ſoon come into *Ireland.* Mr. Serj. *Maynard.* Who were thoſe Gentlemen?

Duffy. The *French* Army and the *Spaniſh* Army together.

Mr. Att. Gen. Were you at any other meeting? *Duffy.* No.

Mr. Att. Gen. After he was taken, do you know of any Order he ſent out to gather Mony?

Duffy. Yes, at the Aſſizes of *Dalkieth*, I think it was in *June* two years ago, he was apprehended——

Mr. Att. Gen. Indeed he was firſt apprehended as a very buſie Papiſt.

Duffy. I have ſeen two or three ſeveral Orders to raiſe Mony, and for the ſame purpoſe; and that is was the only time to bring the matter to an end when he lay in Gaol himſelf.

Mr. Att. Gen. Was that the effect of the Letter?

Duffy. Yes; and that the *French* and *Spaniſh* Kings ſhould take the advan-

advantage that now was offered whilſt he was in Priſon.

Mr. Juſt. Jones. You ſay ſome mony was ſent to Dr. *Cray*? *Duff.* Yes.

Mr. Juſt. Jones. To what end? *Duffy.* To comply with this deſign.

Mr. *Jones.* Where was that Dr. *Cray*?

Duffy. He was at *Rome*, he was made a Biſhop there.

Mr. Att. Gen. Who employed him there?

Duffy. This man employed him always,

L. C. J. What was his Name? *Duffy. Cray.*

Mr. *Jones.* You ſay ſome of the Prieſts paid ſome 20. ſome 40.

Duff. Yes. Mr. *Jones.* Did the Lay Gentry agree to pay nothing?

Duffy. I don't know for the Gentry.

L. C. J. But I think you paid ſomething your ſelf?

Duffy. Yes, I paid for two or three years my ſelf.

L. C. J. And that was for the Deſign?

Duff. Yes, for the *French* & *Spaniſh* Army, & all the purpoſes together.

Mr. Att. Gen. What do you know of any Precept to be given in of all ſorts of perſons of ſuch an age?

Duffy. I gave a Liſt of the age of every perſon from 16 to 60.

Mr: Att. Gen. By whoſe Order? *Duffy.* By his Order.

M. Serj. *Jeff.* To whom did you give it? *Duffy.* To Dr. *Plunket.*

Mr. Serj. *Jeff.* That is, to the Priſoner?

Duffy. Yes; out of my own Precinct.

Mr. Att. Gen. Had you an Order from him?

Duffy. Yes, it was directed to the Pariſh-Prieſt; and I being Curate in his place, received the Order.

Sir *Fr. With.* To what purpoſe was it?

Duffy. To know what men in *Ireland* were able to bear Arms.

M. Juſt. *Jones.* What was the number contained in your Liſt?

Duffy. 250. Mr. Juſt. *Jones.* What in one Pariſh? *Duffy.* Yes.

Mr. Serj. *Jeff.* What was the Pariſhes Name? *Duffy. Coghax.*

Mr. Att. Gen. Do you know any thing of his going to view the Ports?

Duff. I accompanied him to *Carlingford*, *Mr. Att. Gen.* Did you?

Duff. Yes, in perſon I did. Mr. Serj *Jeff.* What did he ſay?

Duff. He went round about the place where ſome of the Cuſtom-Ships come in; there was a great Caſtle there near the Sea, and he went to view the place, and could not get a Boat: And there was a great talk of *Carlingford* to be one of the beſt Havens in *Ireland*; there was no great Garriſon at the place, and any Ship might come

to

to the Gates of the Town and ſurprize it, being a little Town.

Mr. Att. Gen. What did he conclude upon that?

Duff. That he might get the *French* Army to land ſafely there.

Mr. Att. Gen. What do you know of delivering any Amunition and Arms?

Duff. He did ſend ſome of this mony to get Amunition into *Ireland.*

Plunket. You ſay you were *Murfey*'s Curate; Can you ſhew any ſuch Inſtitution as you ſay came to you to raiſe Mony?

Duff. I could have brought them, but I thought it needleſs.

Plunket. Can you name any other perſon I received mony from?

Duff. I have ſeen your Paper of the County of *Monaghan.*

Plunk. Have you ſeen any of them pay any monies?

Duff. Yes, I have ſeen Twenty of them pay mony.

Mr. Juſt. *Dolben.* Why, you are acquainted with this man, are you not, Mr. *Plunket*? *Plunk.* My Lord, I believe I have ſeen him.

Mr. Juſt. *Dolben.* Don't you know he was Chaplain to Biſhop *Duffy*?

Plunket. No; I never was in his company.

Mr. Serj. *Jeff.* Pray tell him what time of the year it was that you were at *Carlingford.*

Duffy. It was at the end of the Year (77) and the beginning of the Year (78.)

Mr. Att. Gen. Pray, if you can recollect, was you once, or twice, or twenty times in his company?

Duff. As I am a Chriſtian, I have been a hundred times in his company. And when you were creating Prieſts, you would always ſend for me to be preſent; and I wonder how the man ſhould forget himſelf?

Plunket. I do not ſay I have not ſeen him, or that I am a ſtranger to the man; but in the company of Biſhop *Duffy* I never ſaw him, nor I never ſent him Orders to pay any mony: and if he did pay any mony, he might ſhew the Order.

Mr. Serj. *Jeff.* If he did pay any mony, you did ill to take it.

Mr. Att. Gen. Pray let him have fair play to ask any Queſtions.

Mr. Soll. Gen. Tell how you came to remember that you ſaw him at Sir *Nich. Plunkets.*

Duff. Dr. *Duffy* did ſend me to Sir *Nicholas Plunkets*, and I met Dr. *Plunket* as I was coming out of the City. I had been half a year at the Spaniſh Embaſſadours, and he ſent me for *Ireland* again, and then I lived at the Convent in *Dublin*; and then when I knew that he would

would come to Town, I went to *Rings-end*, where the Ships came in, to meet him.

Plunk. You ſay you were with him at my houſe? *Duff.* Yes.

Plunk. If you were, you were inviſible: But I ask you, why did not you tell this to ſome Juſtice of the Peace?

Mr. Juſt. *Dolben.* Good Mr. *Plunket*, he tells you he was as willing to forward it then as you.

L. C. J. How come you now to change your mind?

Duffy. I went into *France* in (77) and I was not a year there altogether; but when I have ſeen how the poor people there are brought into ſuch ſlavery by the *French* King, I thought of it, and had rather the Devil ſhould reign over us, than the *Frenchman.*

Mr. Juſt. *Dolben.* He gives you a very good rational account why.

Duff. I have been at Sir *Nicholas Plunkets*, and Dr. *Patrick Plunkets*, where there fell ſome variance about ſomething this man had done to Father *Duffy.* Says Biſhop *Duffy*, I might have had you drawn and quartered, if I were as ill a man as you; and I might have been Primate of *Ireland*, if I would have undertaken thoſe things that you undertook. Upon that, ſays Sir *Nicholas Plunket*, What is that? Why, it was ſaid it was to raiſe 60000 men in *Ireland* at any time whenever the *French* or the *Spaniſh* King ſhould wage War with *England*, *Scotland* or *Ireland.* And this man did confeſs before my face to Father *Duffy*, that it was not only to exalt himſelf, but all the *Roman* Clergy, and all the Gentry that had loſt their Eſtates.

Plunk. Mr. *Duffy*, one word with you; Is not this out of malice to me for correcting ſome of the Clergy?

Duff. You had nothing to do with me, for I was a Friar.

Mr. Att. Gen. Swear *Edmond Murfey.* (*which was done.*) Tell your whole knowledge of Dr. *Plunket* and the *Iriſh* Plot.

Murf. May it pleaſe you my Lord, I was one of the firſt Diſcoverers of this Plot; but of nine Witneſſes, I have but one in Town.

L. C. J. Well, tell your own knowledge.

Murf. Now I beg your Lordſhip as to Dr. *Plunket*, that you will reſpit it till next Term, I could bring ten Witneſſes.

Mr. Att. Gen. Do you ſpeak your own Evidence.

Murfey. I refer it to the King and Council what Evidence I have given.

L. C. J. Do not trouble your ſelf, be directed a little; you are here

now to ſpeak what you know concerning any Treaſons, or any other matters againſt the King, done by Dr. *Plunket*; ſpeak your own knowledge; for as to other Witneſſes we do not call you.

Murfey. If I be called in queſtion for this Evidence——

Mr. Att. Gen. Come, Sir, you have been at the Spaniſh Embaſſadors lately, anſwer my Queſtion: Have you ever been with *Plunket* in *Ireland*? *Murf.* Yes, Sir.

Mr. Att. Gen. Have you ever heard him own himſelf Primate of *Ireland*? *Murf.* Yes, Titular Primate.

Mr. Att. Gen. Under whom did he claim that Authority? under the King, or under the Pope?

Murf. I think he could not be under the King at all.

Mr. Att. Gen. Under whom then?

Murf. It muſt be either the King or the Pope.

L. C. J. Anſwer me directly. Did he claim to be Titular Primate under the Pope? *Murf.* I ſuppoſe he did.

L. C. J. Was he reputed generally ſo to be? *Murf.* Yes, my Lord.

Mr. Att. Gen. Mr. *Murfey*, remember what you ſwore before the Grand Jury; pray recollect your ſelf whether that be true, and tell all.

L. C. J. You are upon your Oath, you muſt ſpeak the truth and the whole truth, you muſt not mince or conceal any thing.

Mr. Serj. *Jeff.* Were you ſworn before the Grand Jury?

Murf. I was ſworn before the King and Parliament.

Mr. Serj. *Jeff.* Did you give in any Evidence to the Grand Jury?

Murf. Yes, I did.

Mr. Serj. *Jeff.* Was that you ſwore before the Grand Jury true, upon your Oath? *Murf.* I can't ſay but it was.

Mr. Serj. *Jeff.* Repeat it, tell my Lord and the Jury what it was, and tell the truth. *Murf.* I have forgot it.

Mr. Att. Gen. Why then I would ask you a little; you remember I was by, and 'tis no laughing matter, Mr. *Murfey*, you will find it ſo. What do you know of any Orders iſſued out by Mr. *Plunket*, to raiſe mony from the Prieſts?

Murf. I know there was Orders, and I took the Orders my ſelf in my hand. *Mr. Att. Gen.* From whom had you thoſe Orders?

Murf. From another, and not from him.

Mr. Att. Gen. Under whoſe hand were thoſe Orders?

Murf. They were from the Primate.

Mr.

Mr. *At. Gen.* Did you ſee any Order under *Plunket's* hand for raiſing of mony?

Murf. No, but under the Vicar-generals, by his authority, as I ſuppoſe.

Mr. *Att. Gen.* Upon your Oath, did you not ſwear before the Grand Jury, that you ſaw the Orders under his hand?

Murf. No, I did not: or I was miſtaken, for it was only by his direction.

Mr. *Att. Gen.* Pray had you any converſe with *O. Plunket* about the raiſing of mony? *Murf. O. Plunket* about the raiſing of mony!

Mr. *Att. Gen.* Yes, that is a plain Queſtion.

Murf. It was about other matters I converſed with him.

Mr. *Att. Gen.* But did you converſe with him about mony?

Murf. No, not about the mony.

Mr. *Att. Gen.* Upon your Oath, did you converſe with him about bringing in the *French*? Mr. Serj. *Jeff.* Declare the truth, come.

L. C. J. Come, don't trifle; What diſcourſe have you had with the Priſoner about raiſing of mony, or bringing in the *French*? either of them, Sir.

Murf. I know this, if the D. of *York* and D. of *Ormond* had proceeded according to their Intentions, it was a general expectation at the ſame time, that all the *French* and *Iriſh* would come and fall upon the *Engliſh* Nation, as I underſtood.

L. C. J. Pray anſwer the Queſtion directly, You muſt not come and think to trifle with the Court, you muſt ſpeak the truth, you are ſworn to it; you muſt not come to quibble and run about to this and that and t'other, but anſwer directly: Have you had any diſcourſe with the Priſoner about Orders for raiſing of mony in *Ireland*?

Murf. Yes, I have ſeen Orders from his Vicar-genral for the raiſing of mony.

L. C. J. Hath he owned them to be by his direction?

Murf. Not before me, but others he has.

Mr. *Att. Gen.* Have you ſeen any mony paid to him?

Murf. To whom? Mr. *Att. Gen.* To *Plunket*.

Murf. To the Vicar-general I have.

L. C. J. But to *Plunket*. *Murf.* None to *Plunket*.

L. C. J. Have you had any diſcourſe with him at any time about the raiſing of mony, which the Vicar-general gave order for?

Murf. I have had diſcourſe with the Vicar-general.

L. C. J. Sir, don't trifle, have you had any with him.

Murf. With him? *L. C. J.* Yes, with him.

Murf. Yes, I have had ſome diſcourſe with him.

L. C. J. Tell me what that diſcourſe was?

Murf. I think it was about this. If the D. of *York*, and the D. of *Monmouth* fell out together, that he had ſome men to raiſe about that matter, and if the D. of *Monmouth* would raiſe the Proteſtant Religion——

M. Att. Gen. You ſee he hath been in *Spaniſh* hands.

L. C. J. Were you a Proteſtant, Sir?

Murf. No, I am a Prieſt.

Mr. Serj. *Jeff.* He is to ſeek yet.

Murf. I am indifferent whether I be Proteſtant or a Papiſt.

Mr. *Att. Gen.* My Lord, he is a Prieſt in Orders, and ſo hath acknowledged himſelf.

Murf. Yes, I am a Prieſt, but it makes me forget my ſelf to ſee ſo many Evidences to come in, that never knew *Plunket*.

L. C. J. Sir, you refuſe to anſwer thoſe Queſtions that we put to you here.

Murf. What I ſaid before the Parliament I anſwer punctually.

L. C. J. You are asked queſtions here, and produced as a Witneſs, will you anſwer directly or not? *Murf.* Yes, I will.

L. C. J. Then let me hear what diſcourſe you had with the Primate *Plunket* concerning any mony raiſed by him or his Vicar-general.

Murf. May it pleaſe your Lordſhip, firſt of all I did not impeach Primate *Plunket*, but the Officers and Juſtices of the Peace.

Mr. *Jones.* Had you any diſcourſe with him, yea, or no?

Murf. That he ſhould find ſo many Catholicks in *Ireland* if the D. of *York* and the D. of *Monmouth* fell out.

Mr. Juſt. *Jones.* Why it plainly appears what you drove at at firſt, to put off this Tryal if you could.

L. C. J. The Papiſts in *England* have been at work with you.

Mr. Serj. *Jeff.* I perceived this Gentleman was very buſie looking upon his Hat, I deſire he may be ſearched if he have no Paper about him.

Mr. *Att. Gen.* Mr. Solicitor and my ſelf heard the Evidence he gave to the Grand Jury.

Then he went out of the Court and would ſcarce be perſwaded to come back again.

Mr. *Att. Gen.* We both heard him, and he gave the fulleſt Evidence, much fuller to all Inſtances, and particulars of this *High Treaſon*, much fuller

fuller than *Duffy* to the Grand Jury. Afterwards about 3 weeks ago the Tryal coming on, he ran away and lay hid, I took a great deal of pains to find him out, and ſent Meſſengers about; at laſt I heard he was got to the *Spaniſh* Embaſſadors, I ſent, and they ſpied him in the Chappel; but the *Spaniſh* Embaſſadors Servants fell upon the Meſſenger and beat him; the Embaſſador was firſt ſent to about it, and his Excellency promiſed that he ſhould be brought, and when he was found he told me but the laſt night, that all he had ſworn before the Grand Jury was true, and he was ready to make it out again.

L. C. J. And now he ſays, he knows not what he ſaid then, and pray take notice of that.

Murſey. I told the Grand Jury this, that my Lord *Plunket* had a deſign to get 60 or 70000 men in *Ireland*, if the D. of *York* and the D. of *Monmouth* ſhould fall out.

Mr. Att. Gen. Did you tell a word of that to the Grand Jury?

Murſey. Yes, Sir, or I was miſtaken.

Mr. Att. Gen. Not one word of that did he then ſay.

L. C. J. Do you own this man, Dr. *Plunket*, to be of your Religion?

Mr. Serj. *Jeff.* Do you know this Seeker?

Plunk. He ſays himſelf he is indifferent to be a Proteſtant or a Papiſt.

Mr. Serj. *Jeff.* I will only try you by one queſtion more, for you are ſought out, and it may be you may be found; Do you know how many men he was to raiſe in *Ireland*? remember what you ſaid to the Grand Jury. *Murf.* 70000 Men.

L. C. J. What were they to do?

Murf. For eſtabliſhing if occaſion ſhould be ——

Mr. Serj. *Jeff.* Eſtabliſhing, eſtabliſhing what?

Murf. Of the Romiſh Religion.

Mr. Serj. *Jeff.* Well, ſo far we have got 70000 men to eſtabliſh the Romiſh Religion, what, was *Plunket* to do this?

Murf. As far as I underſtood.

Mr. Juſt. *Jones.* And you underſtood it by himſelf?

Murf. I received Letters from the Vicar General to get ſo much mony collected, and aſſoon as I got the Letters to my hands, I ſent them to a Privy Councellor.

L. C. J. Do you not know that he was ingaged to aſſiſt the *French* Army? *Murf.* I do not know that by him, but by others.

Mr. Juſt. *Dolben.* Did you ever diſcourſe with him about it?

Murf.

Murf. I did diſcourſe with him about ſeveral matters.

Mr. Juſt. *Dolb.* About the *French* Army? *Murfey.* Yes.

L. C. J. Do you know that he did endeavour to bring them into *Ireland*?

Murf. I had a Correſpondence in *France* at the ſame time——

L. C. J. With whom? *Murf.* With one *Mac Carty.*

L. C. J. And do you know that he had correſpondence in *France*?

Murf. Yes, I know that.

Mr. Juſt. *Dolb.* With whom had *Plunket* correſpondence in *France*?

Murf. He had correſpondence with Dr. *Cray*, and others in *France* as I underſtood by others.

Mr. Juſt. *Dolb.* Was the end of that correſpondence to bring men from *France* into *Ireland*?

Murf. Yes, ſo far as I underſtand.

Mr. Juſt. *Dolb.* You underſtood the Letters when you read them, did you not?

Murf. I know not how theſe people come to ſwear this buſineſs, whether they had not malice againſt him——

Mr. *Att. Gen.* Well, Sir, pray give you your Evidence, we will take care of the reſt.

Mr. Juſt. *Dolb.* I reckon this man hath given the beſt Evidence that can be.

L. C. J. Yes, it is Evidence that the Catholicks have been tampering with him.

Mr. Serj. *Jeff.* I deſire he may be committed my Lord, becauſe he hath fenced from the beginning. [*which was done accordingly.*]

Mr. *Att. Gen.* Swear *John Mac Legh.* [*which was done.*]

Sir *Fran. Wyth.* Tell my Lord and the Jury what you know of any Plot in *Ireland* to bring in the *French.*

Mac Legh. I was a Pariſh Prieſt in *Ireland* in the County of *Monaghan*, and Dr. *Oliver Plunket* received ſeveral Sums of mony in *Ireland*, and eſpecially in the Dioceſs where I am. I raiſed ſome of it, and paid him 40 *s.* at one time, and 30 *s.* another time, in the year (74) I paid him 40 *s.* in the year (75) I paid him 50 *s.* and it was about *July*, and it was for the better advancement of the *French* coming in.

Mr. *Jones.* Did he tell you that the mony was to be employ'd that way?

Mac Legh. Yes, that the mony was to be kept for Arms and Amunition for the *Roman* Catholicks in *Ireland.*

L. C. J.

L. C. J. Before you paid it, did you receive any Order from him?

Mac Legh. Yes, I received an Order *ſub pœna ſuſpenſionis*, and there was a publick Order throughout *Ireland*, or we would not pay it? nay ſeveral would not pay it, and they were to be ſuſpended.

Plunk. Can you ſhew any of the Orders under my Hand?

Mac Legh. Yes, I can ſhew them, but only they are afar off, I did not expect to have them asked for.

Plunk. Have you no Superiors of your own?

Mac Legh. Yes, but you being Lord Primate, you could ſuſpend Biſhops and inferiour Clergy together.

Plunk. When was this? *Mac Legh.* In the years (74) and (75.)

Plunk. What is the reaſon you kept it ſecret all this while?

Mac Legh. In the year (77) I did diſcover it to one Mr. *O Neal*, who I ſent to *Dublin* to diſcover this Plot. I was in *France* my ſelf, my Lord.

Plunk. How many years is it ſince you returned from *France*?

Mac Legh. In *May* in the year (78.)

Plunk. Why did you not ſpeak all this while till now?

Mac Legh. I did ſend one Mr. *Henry O Neal* to *Dublin*, for I durſt not go, leſt I ſhould have been ſuſpended and excommunicated.

Mr. *Att. Gen.* This is the Prieſt that *Henry O Neal* ſpeaks of.

L. C. J. Is not this a very good reaſon; if he had come to *Dublin* to diſcover, you would have ſuſpended him.

Plunk. But my Lord, then he might have ſhewn my Suſpenſion and brought me into a Premunire.

Mr. Serj. *Jeff.* If you pleaſe, Doctor, let us who are for the King have done with him firſt. I would ask you another Queſtion Sir, were you at one Vicar *Bradeys* Houſe?

Mac Legh. Yes, I was.

Mr. *Att. Gen.* Tell what was done there.

Mac Legh. There was Biſhop *Tyrrel* came there with 40 Horſemen well mounted and armed, he came into the Houſe about 10. in the morning, and ſtaid till about 11 at night. I was very much among them, and was as willing to be of the Plot, as themſelves.

Mr. *Att. Gen.* Tell what was done there.

Mac Legh. There Biſhop *Tyrrel* ſaid, that he had order from Dr. *Oliver Plunket* and others, to pertake of the Plot to bring in the *French*, and ſubvert the Goyernment in *Ireland*, and deſtroy the Proteſtant Religion and the Proteſtants.

Mr. *Att.*

Mr. *Att. Gen.* Was there an Oath given?

Mac Legh. Yes, they were all put to their Oaths, which they did take willingly to keep it private during their lives time, and the reason was they were to have their Estates during their lives time.

Mr. Serj. *Jeff.* Now tell us when this was.

Mr. *Att. Gen.* My Lord, *Henry O Neal* and *Phleem O Neal* speak to the same purpose.

Mr. Serj *Jeff.* Do you remember whether *Henry O Neal* was there? did he take the Oath of Secresie?

Mac Legh. Yes.

Mr. *Att. Gen.* What do you know of any Letters from *Plunket?*

Mac Legh. In *France* I landed at *Brest*, and going through *Britany*, I met with Bishop *Tyrrel* and Dr. *Cray*, who was my Lord *Oliver Plunkets* Agent, and Duke *John* of *Great Britany* came into them; for he heard of these 2 Bishops being newly come out of *Rome*, sent for them, and I being a Priest of *Tyrrels* Diocess, I went along with them, and they were well accepted, and shewed Dr. *Oliver Plunkets* Conditions with the King of *France*, which was this; to get *Dublin* and *London-Derry*, and all the Sea-ports into their own Hands, to levy War and destroy the Protestant Religion, and that they should have him to protect them during his life-time.

L. C. J. Did you see those Conditions?

Mac Legh. A Copy of them I did, the Governour of *Britany* did shew them to the Bishop.

Mr. Serj. *Jeff.* What Language were those Conditions in?

Mac Legh. They were in Latine, Sir.

Mr. Serj. *Jeff.* Was *Edmond Murfey* put out of the Diocess.

Mac Legh. Not as I know of.

L. C. J. What do you know of his being Primate? upon what conditions was he made Primate.

Mac Legh. He was made Primate by the Election of the King of *France*. And upon his Election, he made those Conditions with the King of *France*, to raise men to join with the *French*, to destroy the Protestant Religion.

Mr. Just. *Jones.* You know that man, Dr. *Plunket?*

Plunk. Yes, my Lord.

Mr. *Att. Gen.* Will you ask him any Questions?

Plunk. None, but what I asked the others.

Mr. Just.

Mr. Juſt. *Dolben.* Then if that is all, he hath given a good anſwer to that already, he was as forward then as the reſt.

Mr. Att. Gen. Then ſwear *John Moyer,* (which was done.)

Mr. Juſt. *Jones.* What do you know concerning any Plot in *Ireland,* and Dr. *Plunkets* being in it?

Moyer. I know him firſt, my Lord, to be made Primate of *Ireland,* ingaging that he ſhould propagate the *Roman* Faith in *Ireland,* and reſtore it to the Catholick Government, and I know the time by relation, that I came to *Rome* within two months after his being made Primate of *Ireland* upon the ſame Conditions, that have been related to you, and I was brought into the Convent of St. *Francis* in *Rome* by one Father , and this Father was very intimate with Cardinal *Spinola,* and when he uſed to go abroad he uſed to carry me along with him as a Companion, and there I found ſeveral of the *Roman* Cardinals ſay, That the Kingdom of *Ireland* ſhould come under the Catholick Government by the way and means of the Lord Primate *Plunket.*

Mr. *Att Gen.* What do you know of your ſelf?

Moyer. As I was coming then from *Rome,* I happened to come into a Convent of the Order of St. *Francis,* and there came out of *Ireland* a young Gentleman of the Family of the *O Neals,* who hath been my Lord Primates Page.

Plunket. I never had a Page.

Moyer. You termed him ſo my Lord in *Ireland,* and as I came, this young man had a pacquet of Letters with him, as though they were Commendations to enter him into the Colledge *De propaganda Fide,* directed to the Secretary of that Colledge. And thinking them to be Letters of Recommendation, an old Father, called one *Thomas Crawley,* and I thought it not prejudicial to open the Seal; and the Contents were theſe, I tranſlated them 5 years ago, and here are the Contents following, if you pleaſe they may be read, I will do my beſt to read them in *Engliſh,* the Original were in *Latine,* and ſome Phraſes in *Italian.* And when I was ſurprized by Mr. *Murſey* the laſt year, and taken ſuddenly, all my Papers were taken away before I could return back again, by the Soldiers and the Tories, I only kept a Copy of this Letter I had in *Engliſh* as near as I could, and if I did not diminiſh any thing by the Tranſlation; upon the Oath I have taken, I have not put any thing in it, but what the Contents of the Letter were.

L. C. J. Was that Letter under his own Hand?

Moyer. My Lord cannot deny that.

Plunket. Do you know my own Hand writing?

Moyer. Does your Lordſhip deny, that I know your Hand?

Plunket. Pray Sir will you anſwer it.

Moyer. Yes, I do very well.

Plunket, When did you leave *Ireland?*

Moyer. I will tell you that, my Lord, 'tis ſome 14 or 15 years ago.

Mr. Serj. *Jeff.* You were giving an accompt of the Letter, read it.

Moyer. Here is the Contents, *Illuſtriſſime Domine,* it was directed to *Seignior* who is now Secretary of the Colledge *De propaganda Fide,* (ſo then he read his Paper.

Mr. Sol. Gen. You ſay, you tranſlated that out of a Letter under the Priſoners own Hand.

Moyer. Yes, I tranſlated it immediately, and to prove it, I have Statutes which his Lordſhip made in the general National Council, which are under your own Hand, my Lord.

Mr. *Sol. Gen.* When did you make this Tranſlation?

Moyer. Five years ago.

Mr. *Sol. Gen.* Where did you make it?

Moyer. I made it out of the Original in *Ireland.*

Mr. *Sol. Gen.* Where is the Original?

Moyer. When I was taken by Mr. *Murfey* and Mr. *Hethrington* the laſt year, the Souldiers and Tories came and took them away with other Papers I had of the ſame buſineſs.

L. C. J. Was the Paper you tranſlated that from, of his Hand Writing?

Moyer. No, my Lord, the Paper I took this out of, was a Copy of the Original.

L. C. J. Was the Original of his Hand Writing?

Moyer. Yes, it was. *L. C. J.* Where did you take it?

Moyer. In *Caprennica,* when I met with my Lords Page.

L. C. J. What made you take a Copy of it?

Moyer. It was in *Latine* and *Italian,* and I tranſlated it afterwards.

L. C. J. And the *Engliſh* Father, you ſay, made bold to open it.

Moyer. Yes, becauſe he thought 'twas a Letter of Recommendations, but the Original of the Statutes made at *Clouds,* I did take the Original and gave a Copy to the Page.

L. C. J.

L. C. J. Have you the Original here?

Moyer. Yes, my Lord, under his own Hand.

Plunk. That's another thing.

L. C. J. But we would know that other thing.

Mr. Serj. *Jeff.* My Lord, I desire that he would produce it, 'tis his own Hand Writing, see whether his Grace can deny it.

Moyer. The signing of it is his own Hand Writing, I got the Writing along with the Letter, and thinking to have a Copy of the one as as well as of the other; it was the Statutes I got, and I never knew I had them till I was in *Madrid* in *Spain*.

Then the Paper was shewn to the Prisoner.

Plunk. My Lord, 'tis my Hand.

Moyer. Indeed, my Lord, 'tis your own Hand.

Mr. Serj. *Jeff.* He owns it.

Moyer. And there is an Order in those Statutes, wherein *Ireland* was bound to send so much mony to *Rome* upon such a design.

The the Witness read the Title in Latine.

Mr. Just. *Dolb.* Look out that Clause for the raising of the mony.

Moyer. My Lord, 'tis that I look for. *Cum toti Clero in Hibernia necessarium sit.*

Mr. Just. *Dolb.* That is but *negotia* generally.

Mr. Serj. *Maynard.* That was to solicite their Affairs.

Mr. *Att. Gen.* 'Tis 500 *l.* in the whole.

Plunk. Is it 500 *l*?

Moyer. 'Tis in Figures, a 5 and two [00.]

Plunk. My Lord, this is Counterfeit, 'tis put in by other Ink.

Mr. Just. *Dolb.* Like enough so.

L. C. J. Nothing more ordinary, yau leave a blank for for the Sum, and then, may be, you put it in with other Ink.

Mr. Just. *Dolb.* How much do you say was the mony, Dr. *Plunket*?

Plunk. My Lord, every Agent that is kept at *Rome* hath a maintenance, as all Countries have their Agents at *Rome*.

Mr Just. *Dolb.* How much was it?

Plunk. It was 50 *l.* a year.

L. C. J. Look you, Mr. *Plunket*, consider with your self, 50 or 500 in this Case is not 5 farthings difference, but the money was to be raised by your Order.

Plunket. Ay, but whether it was not raised to this effect; There

is never a Nation where the *Roman* Catholick Religion is profeſſed, but hath an Agent for their Spiritual Affairs at *Rome*, and this was for the Spiritual Affairs of the Clergy of *Ireland*.

Mr. Serj. *Jeff.* And the Letter was for Spiritual Affairs too, was it not?

Plunk. I deſire nothing, that is a truth, every Nation hath an Agent, and that Agent muſt be maintained; and the reaſon is this, becauſe we have many Colledges beyond Sea, and ſo there is no Country of *Roman* Catholicks, but hath an Agent in *Rome*.

L. C. J. You had better reſerve your ſelf till by and by, to anſwer that & the Letter together; for this is but a ſmall part of the Evidence.

Mr. *Att. Gen.* About this Letter you were ſpeaking of, pray, will you tell what fell out about it.

Moyer. I will tell you how it fell out afterwards. Then I came along into *Marſeilles* in *France*, and there were 2 Captains that had as much notice as I had in that Letter, for they were diſcourſing that they would advance themſelves in the *French* Kings Service, and hoped, that by the King of *France*'s help to have the *Roman* Catholick Faith ſet up in their own Country; why, that diſcourſe paſſed off, for I was mightily afraid of any ſuch thing, becauſe I was of another opinion; for perhaps I might think the *Roman* Catholick Faith would flouriſh as well as ever it did, and hoped ſo as well as any body elſe, but not by the Sword. As I came to *Madrid*, there came one *Hugh O Donnell*, Son to *O Donnell*, with Letters of Recommendation, and thoſe Letters were to intitle the young man Earl of *Tyrone*, and likewiſe that his Majeſty the King of *Spain* ſhould help him for *Ireland*, according to the form of the Letters he had. And then as I came for *Ireland*, ſpeedily after there came Letters of Recommendation to me, that I ſhould preſent ſent my ſelf to my Lord Primate, to hear Confeſſions, and be heard preach. I came to his Lordſhip at his own Houſe the 9*th.* of *December* (74) and there he kept me ſeveral hours, and approved me; and the Copy of the Approbation I have to ſhew. And after a long diſpute we went aſide, and went to look Father *Patrick*, and there he ſhewed me ſuch and ſuch things. And after a long diſcourſe I told my Lord Primate, I ſee your Lordſhips Letter, which you ſent by young *O Neal*, in ſuch a place, and he ſhewed me the Contents of it; and, ſaid I, Ay, my Lord, 'tis a good Intention & Deſign, if it can be done without Bloodſhed; then my Lord muſed a little, and, ſaid he, well Father *Francis*, (which is my name in Religion, my Chriſtian name is *John*) pray will you keep

keep it ſecret, well my Lord, ſaid I, you need not fear; for, ſaid he, what ever I have done herein was not for my own good, but for the publick good of the Catholicks. Well, ſaid I, 'tis well. Then does he commend me into the Pariſh of where this Mr. *Murfey* here was to put in a Bull, that I had from my Lord Primate, which Bull was brought here laſt year; and there he profered me high Promotions, if I would further ſuch things, and ſolicite ſuch Gentlemen as I knew would be private in ſuch a buſineſs, ſuch as were old Commanders among my Friends and Relations. Shortly after this I ſaw *Plunket* and Biſhop *Tyrrel*, and Captain *Con O Neal* practiſing to bring Souldiers ready for *Ireland*, aſſoon as they could get opportunity. This Captain *Con O Neal* coming to the place where we kept our Priory, and he and his Brothers were Sons to General *O Neal*. And there Captain *Con* comes in the night time and lodges with us, and diſcourſed with his Brother and I, becauſe I was his Companion beyond Sea, about theſe matters, That he expected my Lord Primate and Biſhop *Tyrrels* coming thither that night, to make ſome propoſals about the Church and other Affairs. After ten a clock, or thereabouts, my Lord Primate and Biſhop *Tyrrel* came with others in their company, and there they and Father *O Neal* did conſult amongſt themſelves, that they ſhould ſend Captain *Con* to *France*, and to *Barcellona*, with ſuch and ſuch Inſtruments; and ſending thoſe Inſtruments away, Captain *Con* departs the Country and goes for *France* ſoon after: and ſpeedily my Lord Primate undertook, that he and Biſhop *Tyrrel* ſhould view *Munſter* and *Ulſter*, and other parts of *Ireland*, to ſee how Affairs ſtood. Soon after my Lord Primate calls a General Provincial Council, and ſends out his Orders to levy ſuch and ſuch Taxes and Subſides, and Warrants to all the Pariſh Prieſts, that they ſhould give them new Liſts to know whether the Numbers they had ſent to *Rome* before, would comply with that Liſt. And then *O Neal* went to view the Forts of *Charlemont* and *Dun Gannon*, whileſt thoſe Lords did collect the mony; the Orders I have ſeen with my own proper Eyes, and his own man confeſſed before the Council in *Ireland* that my Lord gave them under his Hand.

Mr. Serj. *Jeff.* What year was this?

Moyer. It was in (76) to the beſt of my remembrance.

L. C. J. Look you Sir, was this at a Provincial meeting?

Moyer. Yes, my Lord, a General National Council, to ſend over Inſtru-

Inſtruments to tell them, that they were ready to aſſiſt any Foreign Army, that ſhould help on the deſign.

L. C. J. And to raiſe mony? *Moyer.* Yes, my Lord.

Mr. Juſt. *Dolben.* Have you paid him any mony?

Moyer. I was exempted my ſelf; but I have ſeen others.

Mr. Juſt. *Dolben.* How many? *Moyer.* I believe 30.

Mr. Juſt. *Dolben.* It was not then a ſecret thing, but openly done by them.

Moyer. Yes, I ſaw them when they came with Orders, there were four Prieſts, and they had a great Cloak-bag going with Orders up and down. Mr. Serj. *Jeff.* Why were you exempted?

Moyer. Becauſe I am a Regular Prieſt.

Sir *Fr. Withens.* You ſay you ſaw the Orders for raiſing of mony, how do youknow for what it was to be employed?

Moyer. It was there ſpecified down.

Plunket. Can you ſhew any of the Orders?

Moyer. I could not take them, they did not concern me.

Sir *Fr. Withins.* How was it ſpecified?

Moyer. To Levy ſo much Mony *per* Prieſt. I cannot remember the particular Sum; but that every Prieſt ſhould give ſo much towards an Agent in *Rome* to Solicite their buſineſs and forward it.

L. C. J. What Year was it? *Moyer.* (76.)

L. C. J. Was any of the Mony ſpecified for raiſing an Army or bringing in the *French*?

Moyer. It was both for the Agent and to ſummon a National Council, to get things ready prepared to entertain and accept the *French* Army when it ſhould come. I am not ſo good in expreſſing my ſelf in Engliſh.

L. C. J. Your ſence is good, 'tis no matter for your expreſſion.

Mr. *Jones.* What more do you know?

Moyer. I know that he had the ſame Council, and that they did agree upon the buſineſs, and this I know by one *Patrick Borne*, and I being willing that this wicked Action ſhould be hindred, ſent to the next Juſtice to diſcharge my ſelf of it, which Juſtice was as favourable to the buſineſs as my Lord himſelf was.

L. C. J. Will you ak him any Queſtions, Mr. *Plunket*?

Plunket. I deſire to know when he left *Ireland*?

Moyer. I cannot tell how to number the years, but I think it was in

62 or

62 or 63, to the best of my remembrance it was 16 or 17 years ago.

Plunket. When did you return?

Moyer. I came back in 74, you know it, my Lord.

Plunket. Very well, when did you see the Letter with the young man in *Capreunica*? *Moyer.* In (73.)

Plunket. How then did you know my hand which you had never seen?

Moyer. I have seen it several times to several Instruments, to Seignior and I have seen several other Letters of your hand.

Plunket. How did you know my hand?

Moyer. I cannot positively say, I then knew your hand, but according to relation, I heard it from those Cardinals I conversed with at *Rome*.

L. C. J. But now you are acquainted with his hand, is it the same hand which you have seen up and down in Writings with his name to?

Moyer. Yes, my Lord it is the very same hand.

Mr. Serj. *Jeff.* I ask you, Sir, when you came back again and told him you had seen such a Letter under his hand with *O Neal*, did he own it to you?

Moyer. Yes he did own it, and that he did not do it for his own benefit, but for the publick.

Mr. Serj. *Jeff.* Did he desire you to be secret?

Moyer. Yes, he did, and to be discreet, and he would see me highly promoted. And, my Lord, you sent Proposals to me, to give me 100 *l.* that I should not prosecute you, according as they told me, and they gave me one Guinny in hand for it.

L. C. J. Some of it came to the hands of *Marsey* I believe.

Plunket. My Lord, I cannot say any thing to this, my hands are tyed, because my Witnesses are not here. My Lord, if I had my Witnesses and Records, I did not care for all these Witnesses.

L. C. J. But you know, you had time to bring them.

Plunket. My Lord, I desire to know whether this be his hand, (shewing the Paper to Mr. *Moyer.*) *Moyer.* Yes, I believe it is.

Plunket. I desire it may be read.

Moyer. Yes, I am very well satisfied it should.

Cl. of Cr. Reads. For my very Reverend Father *Anthony* Guardian of *Armagh*, Your Letter & Citation —— 'Tis dated in *July* (78.)

Plunket. He can best read it himself.

Cl. of

Cl. of Cr. Read it right (the Paper being delivered him.)

Moyer. My Lord, I pity him with all my heart, that a man of my own Function, should be brought into question for such things as these are, (he reads) Very Reverend Father Guardian, 'tis dated 1 *July* (78.) Your paternities paternal Letter and Citation homeward, I did instantly peruse. As for my Lord *O. Plunket*, I wrote a Letter to him the day before I saw your Reverends last, that he might cause my Fame, which is as dear to me as my Life, to be recalled; or I should cause his Name to be fixed at every publick place, which by the Almighty I will do, Nature and all reason compelling me to do it.

Plunket. My Lord, I say this, he says he came to my house when he came over, and I imparted this secret to him, yet you see I had denounced him throughout my whole Dioceſs, and he here calls me by all those Names of *Elemas*, *Simon Magus*, and *Barjesus*, and 'tis impossible if I had communicated such a secret to him, that I would deal so with him.

Mr. Just. *Dolben.* He does not say, you imparted this secret to him, but he says, when he told you of the Letter, you answered him, but you seemed surprized and mused first.

L. C. J. You seemed to flatter him then, and told him you hoped to see him, the best of his Order, highly promoted.

Mr. Just. *Dolben.* How came you to fall out, *Moyer*?

Moyer. When first they had this meeting at *Brantry*, seeing a Cloud coming, and dreading a War, and the consequencies of it, I went and applied my self to Sir *Hamilton*, one of his Majesties Privy Councellors in *Ireland*, and I gave in all my Informations *December* 7 (76.)

Mr. Just. *Dolb.* And thereupon he denounced you Excommunicate?

Moyer. Yes, and afterwards, when he saw I was in communication and familiar with these Privy Councellors, then he was certain I had discovered the matter, and then he got a great many devices to get the Letters out of my hand.

Plunket. You shall see under his own hand all the Stratagem of this, if I had my Witnesses here, you should then see under his own hand, upon what account he fell out with me. Pray, my Lord, ask him if this other Letter be his hand.

Moyer. I believe it is my own hand. *L. C. J.* Read it.

Moyer. (Reads) Very Reverend Father Guardian (then speaking) My Lord, you know that I was loth to discover my self, being among

People

People knowing of the Plot. *L. C. J.* Well, read it over.

Moyer. (Reads) the 23. of *April* (78) I was somewhat comforted by your Letter. But now I hope your Reverence hath considered what wrong I have sustained, by my envious Adversaries Calumnies, only for standing, as I have a Soul to save, for your Rights and Priviledges, as also for endeavouring to hinder my native Countries ruine and destruction. Mr. Just. *Dolb.* Read that again. (Which he did.)

Plunket. Observe, that I was his Adversary, for standing for the Rights and Priviledges of the Fryers.

Mr. Just. *Dolb.* As also for endeavouring to hinder his Countries ruine and destruction.

L. C. J. The one and the other were the reason of your falling out.

Moyer. (Reads on.)

Moyer. My Lord, I was I confess a begging Fryar, and stood up for the Priviledges of the Fryars.

Plunket. Did you write any Process to *Rome* against me?

Moyer. No, I never did it.

Plunket. My Lord, does not he say I was in disgrace at *Rome*?

Moyer. No, nothing of that.

L. C. J. I don't hear it, but what if he did? what is that to the purpose.

Plunket. To shew his Contradictions, now he says, I was great in *Rome*, and but then in his Letter he says, I was in disgrace at *Rome*. Now he says, all that he had against me, was for his Fryers, and to hinder the destruction of his Country; because I hindred the Fryers to beg there, is the Destruction of his Country. as he was doing there. Upon that he fell out with me, and upon that his own Superiors sent this Order.

L. C. J. We can't meddle with your Superiors Orders, they are no thing before us.

Mr. Serj. *Jeff.* My Lord, I think for the present we have done with our Evidence.

Plunket. My Lord, to shew what was part of the falling out, I would ask him if he was Indicted for any Crime, and found Guilty by a Jury?

Moyer. That was for discovering, for I discovered it before.

Plunket. My Lord, he confesses he was Convicted for giving Powder and Shot to the Rebels.

Mr. Juſt. *Dolben.* No, no, he does not ſay ſo; produce the Record, if you have any of ſuch thing.

Moyer. To ſatisfie the Court.

Mr. Serj. *Jeff.* Look you, Dr. *Plunket*, if you will ask him any queſtions, that by Law he is bound to anſwer, do it of Gods name, we will not interpoſe, but if you ask him any queſtions that may tend to accuſe himſelf, we muſt tell you, he is not bound to anſwer them.

Plunk. He hath been convicted and found guilty, he will confeſs it himſelf.

L. C. J. He is not bound to anſwer ſuch a Queſtion.

Moyer. It was a Tory ſwore againſt me, that you did abſolve.

Mr. Juſt. *Dolb.* Don't tell us a ſtory of your Tories.

L. C. J. Look you Mr. *Plunket*, don't miſpend your own time; for the more you trifle in theſe things, the leſs time you will have for your Defence, I deſire you now to conſider, and well husband your time for your Defence; what have you to ſay for your ſelf?

Plunk. My Lord, I tell you, I have no way to defend my ſelf, in that I was denied time to bring over my Records, and my Witneſſes, which are 10 or 12. And if I had them here, I would ſtand in defiance of all the world to accuſe me; but I have not ſufficient time to bring over my Records and my Witneſſes, and I am brought here from out of my native Country; were I in *Ireland*, there both I and they ſhould be known: but when I was to be tried there, they would not appear; and it is all falſe and only malice. Theſe men uſed to call me *Oliverus Cromwellius* out of ſpight.

Mr. Serj. *Maynard.* You are very like him, a Deſtoyer of the Government.

Mr. Serj. *Jeff.* Were not you acquainted with him?

Plunk. This is all I can ſay, if I had my Witneſſes here I could make my defence.

L. C. J. Here are ſome things, that if you can give an Anſwer to, you will do well to doit; for they ſtick cloſe to you. They do teſtifie againſt you here, that you did undertake to raiſe a body of men in *Ireland*, 70000 men they ſpeak of out of in your own Nation, and all theſe were to join with the *French*, for the introducing the Religion of the *Romiſh* Church into *Ireland*, and ſetling that again there. And that you, in order to this, did take a Survey of all thoſe *Roman* Catholicks that were able to bear Arms, from 16 to 60; and there is plentiful Evidence,

Evidence, that you did go a Circuit there to peruſe all the Towns, and ſee which might be moſt convenient for the taking in, and entertaining the *French*, and landing their Forces; and *Charlemont*, you did deſign that for one ſtrong place to be taken, and *Dun-Gannon* for another, and that you did deſign the *French* Army to land at *Carlingford*, and all that was with you, tells the reaſon you gave, why that ſhould be the place, that they might come up with a burdened Ship to the very Gates of the Town, that you did, in order to the entertaining theſe foreign Forces, raiſe mony, that you did ſend out your Orders *ſub pœna ſuſpenſionis* to all that were of the *Roman* Clergy, and that this mony was received, ſeveral of them teſtified that they paid it to you, and this man hath ſeen great numbers of perſons pay mony to you upon theſe accounts. All theſe are Treaſon, what ſay you to them. It does import you to conſider what Anſwer you can give.

Plunk. My Lord, firſt as to the firſt point, I anſwer, that I never received a farthing of mony out of my own Diſtrict, and but for my own Livelihood, and that I can prove by thoſe that have received it for me, that I never received over threeſcore pound a year in my life, unleſs ſome Genleman would now and then give me 10*s.* for my relief. For, my Lord, this is the way in *Ireland*, every Prieſt hath ſo many Families allotted to him, and every *Roman* Catholick Family gives 2*s.* a year (*as they that profeſs that way, know*) and the Prieſts give me who am Superior over them, in my own Diſtrict, ſome 20*s.* ſome 30*s.* and I never got ſo much in my life as to maintain a Servant, and this was atteſted before the Council in *Ireland*.

Mr. Juſt. *Dolb.* Ay, but the Witneſſes ſay, out of your own Diſtrict you ſent into another Biſhops Dioceſs to collect mony.

Plunk. My Lord, I ſay I could never get ſo much as to keep a Servant, and till now I never got a farthing out of my own Dioceſs, unleſs I have been called to an Arbitration or ſome ſuch thing, it may be for my Journey and Expences 40 or 50 miles they would give me ſomething for my maintenance; if you ſhould find any thing elſe, I will be content to ſuffer; and if my Evidence were brought from *Ireland*, there is nothing but what would be made clear, both under their own Hands and by Records, and that is all well known, and was atteſted in his preſence before the Council in *Ireland*, which threeſcore pounds was a very ſmall thing to maintain me, and I never had above one Servant, and the Houſe I lived in was a little Thatch'd Houſe,

wherein was only a little Room for a Library, which was not 7 foot high, where once this fellow came to affront me, becauſe I had hindred him from begging, and that's for the Mony. For the Men, I defie any one that ever ſee me make a Liſt of Men in my life, or can produce any Liſt made by my Order. I was never in my life at *Kinſale*, at *Cork*, at *Dun-Gannon*, at *Limerick*, &c. or thoſe parts of *Munſter* which were the chief Ports where the *French* ſhould come in, and not in *Carlingford*, which is the narrow Seas in *Ulſter*, which any one that knows the World will judg to be a very improper place for the *French* to land in. 'Tis all one as to ſay that the *French* ſhould come in at a poor place where they could get nothing, it being at the narrow Seas, and they never ſaw me there in their lives.

L. C. J. Yes, one does ſay, he was with you.

Plunk. Well, one does ſay he ſaw me there, but if I had my Witneſſes here, I could prove he was a Friar, and declared an Apoſtate by his own Provincial, as this Gentleman is, and becauſe I hindred them to beg in my Diſtricts, therefore they have this malice againſt me, that is all. Well, my Lord, that is for that: I was never in my life in *Connaght*; and they cannot ſay, I took any Liſt in *Ulſter*, nor was twelve miles in *Munſter* in my life: But thus, my Lord, ſometimes there would be, as our way is, ſo many Families aſſigned to every Prieſt, (*and this is the plain truth*) this Prieſt perhaps complains to me of the inequality, my companion near me hath 150, and I have but threeſcore, which I muſt rectifie; though I never knew but one of theſe Complaints. And if I had my Witneſſes from *Ireland*, and the Records, I would defie all theſe Witneſſes together. For my ſending to *Rome*, I had never an Agent in *Rome* for theſe ſeven years paſt, becauſe I was not able to maintain him, and indeed it was a great ſhame to us; becauſe there is never a Community of Fryers, that hath a Colledge beyond Sea, but hath ſome Agent at *Rome*.

L. C. J. 'Tis a ſhame to have one there, not to want one.

Mr. Juſt. *Dolb.* Well, if you have Witneſſes, I cannot tell what to ſay.

Plunk. If I had gotten but to the latter end of the Term, I had defied them altogether. And your Lordſhip ſhould have ſeen under their own hands what they were.

L. C. J. You forget this all this while, your own Letter, wherein this matter is, that you had ſearched the Towns and conſidered it.

Mr.

Mr. *Att. Gen.* He does deny there was ſuch a Letter, he does not own there was ſuch a Letter.

Plunk. I my Lord, I never did write ſuch a Letter. And that young man that he ſpeaks of, if I had my Witneſſes, that he never was in any Service or Company in *Ireland*, nor writ any Letters by him.

L. C. J. Did you never ſend any Letter by one *O Neal*?

Plunk. No my Lord, but he went over a begging.

Moyer. This young mans Brother in Law will teſtifie, that he was your Lordſhips Page.

Plunk. I have 3 Witneſſes that he came there begging, naked, and was ſick 3 months, and went over a begging, and was at *Rome* as a ſtragler.

Moyer. Call *Hanlet*, (*who came in*)

Sir *Fr. Wyth.* Did you know *Neal O Neal*? *Hanlet.* Yes.

Sir *Fr. Wyth.* Whoſe Servant was he?

Hanl. My Lord *Plunket* ſent him to *Rome*; he was ſent there with his Letters, and I ſaw the young man and the Letters.

Mr. *Jones.* Did he come a begging there? *Hanl.* No.

Plunk. Where did you ſee him? *Hanl.* At *Mant.*

Plunk. Where is that? *Hanl.* In *France.*

Plunket. And you ſaw him with my Letters? *Hanl.* Yes.

Plunk. And this man ſays, the Letters were opened at *Caprennica*, becauſe he thought they were Letters of Recommendation.

Hanl. Why, he went that way afterwards, and they were not opened when I ſaw them.

Mr. Serj. *Jeff.* Did you know he was the Doctors Servant?

Hanl. Yes, he was.

Plunk. Did you ſee him in my Service?

Hanl. I ſaw him in *Mant.*

Mr Juſt. *Dolb.* How do you know he was the Biſhops Servant.

Hanl. Becauſe he ſhew'd me his Letter.

L. C. J. Was he owned for his Servant, and was he taken for his Servant. *Hanl.* Yes.

Plunk. Did he go on Foot or on Horſeback.

Hanl. He went on foot.

Plunk. He was in a poor condition in a place not above four miles from *Rome*, that I can prove.

L. C. J.

L. C. J. Did he beg as he went? *Hanlett.* No.

L. C. J. Mr. *Plunket*, if there is any Queſtion you will ask of the Witneſſes; or if there be any Evidence you would give your ſelf, this is your time for the doing of it; if not, we muſt leave your Caſe to the Jury, who have heard the Evidence all along.

Plunk. Only this, my Lord, your Lordſhip ſees how I am dealt with. Firſt and foremoſt, I have not time to bring my Witneſſes, or my Records, which if I had, I would not weigh one farthing to leave my Cauſe with any Jury in the world. Beſides all this, I am brought out of my own native Country, where theſe men lived, and I lived, and where my Witneſſes and Records are, which would ſhew what theſe people are. I ſent by the Poſt and did all that I could, and what can I ſay when I have not my Witneſſes againſt theſe people, they may ſwear any thing in the world; you cannot but obſerve the improbability of the thing in it ſelf, and unto what a condition I am brought. My Lord, my Life is in iminent danger, becauſe I am brought out of my own Country, where theſe people would not be believed againſt me.

Mr. Sol. Gen. My Lord, I think this matter lies in a narrow compaſs, the Evidence hath been long; I would only repeat the ſhort Heads of that which hath been given at large. He is indicted for a Conſpiracy to kill the King, the Overt act is an Endeavour to introduce a Forreign Power into *Ireland*, to raiſe an Army, and levy War there; and the Proof of it hath been very full. The Proof in general, that there was a Plot to introduce the *French*, is plain by all the Witneſſes, and the Proof in particular upon this perſon at the Bar, hath been as plain as any thing can be. They prove to your Lordſhip in general, that there was an Expectation that the *French* ſhould come in, that there was an Invitation of *Florence Wyer* the firſt Witneſs, to go over into *France*, and ſpeedily he ſhould have a Command upon his return, in *Ireland*, that there were Preparations; for this appears by the Oath of Secrecy given to ſeveral men. Forty men that came along with Biſhop *Tyrrel* to keep it private during their lives; and there was a farther proof of that general Conſpiracy by *Duffy*, that when there was a general meeting of ſo many thouſand people for Confirmation, there was by the Gentlemen at that meeting a ſecret Conſultation how to carry on the Deſign, and how to liſt men, and to look out the old Officers in the late Rebellion, and to ſee what poſture they were in, as to the manage-

men tof this Deſign, and this comes now particularly to the Priſoner who was by at this Conſultation, ſo the Witneſſes do tell you. But that that comes nearer to him, is, that he did iſſue out Orders for the raiſing of Mony, and that he did raiſe Mony purſuant to thoſe Orders, and did receive Mony for that very purpoſe; this is proved by three Witneſſes, *Duffy*, and *Mac Legh*, who paid the Mony, and by *Moyer* the laſt Witneſs, who ſaw him receive it from ſeveral Perſons. This is poſitive upon him; nay, they ſay farther, that there was a Liſt made of the ſeveral men, in the ſeveral Pariſhes, that were able to bear Arms upon occaſion, from ſixteen to ſixty, and there was a Liſt of a matter of threeſcore thouſand men that were ready upon any occaſion to riſe for the purpoſe, and this Liſt was delivered over into the hands of the Priſoner at the Bar. There is one Witneſs, *Duffy*, that ſays farther, that he ſaw a Letter under his hand in *France* to the Cardinal *Bouillon*, to invite the French King into *Ireland*, and he did wonder that he ſhould ſpend his Time and Blood in Wars againſt *Spain*, which was a Roman Catholick, and not come into *Ireland* to extirpate the Hereticks. And this Letter is confirmed by another Letter, which was ſeen by *Moyer*, a Copy of which is produced, which he tranſlated from the Original in Latin, and the Letter was ſent to *Rome* by *Neal O Neal*, whom the Priſoner ſays he had no concern for, but to give him ſome Recommendations.

Plunket. I gave him no Recommendations.

L. C. J. No, he ſays he did not give him any, nor ſent any Letter by him.

Mr. *Soll. Gen.* Then he urged, that he went along begging by the way, but 'tis proved he was ſent by him, and ſent with Letters, and that by his Brother in Law, who met him at *Mants*. And 'tis proved by *Moyer*, who ſaw the Letter opened, taking it to be but a common Letter of Recommendation, he read the Letter and took a Copy of it, and tranſlated that Copy, which Tranſlation is enough to verifie all the matter which the Witneſſes have ſworn, for 'tis agreeing to what he ſaid to Cardinal *Bouillon* in his other Letter, that it was more proper for the Catholick Princes to agree together to extirpate Hereſie, than to vary amongſt themſelves, that now was the time: for there were threeſcore thouſand Men ready to riſe upon ſuch an Invaſion. This is the ſubſtance of the Letter, and this proves fully the Conſpiracy this man was ingaged in, his receiving Mony, his Liſting Men,

and

and his Invitation of Foreign Princes. And this is fully proved.

Mr. Serj. *Maynard.* And ſo his viewing the Ports too.

Mr. *Sol. Gen.* It was likewiſe agreed that *Carling ford* ſhould be the Port, and 'tis like enough to be the Port, for 'tis a very large Port, that Ships of the greateſt Burthen may come up to the Town, and the Town it ſelf but a weak Town. This is the ſubſtance of the Evidence, and this is proof enough, we think, to convict any man of this Fact.

Mr. Serj. *Jeff.* My Lord, I ſhall trouble you but with one word that hath been omitted. I think 'tis a Cauſe of great Example, and that thing which the Priſoner ſeems to make his Excuſe hath been anſwered by a Favor and Indulgence from the Court in a very extraordinary manner. For, in as much as this Gentleman would make it a very hard caſe, That he is brought out of his own Country, and hath not his Witneſſes; it is very well known that by a particular Favor of the Court, which is not uſual in theſe Caſes, he had between five and ſix weeks time for preparation for his Tryal: ſo that truly as to what does appear, I think all the Witneſſes that have been examined, are Witneſſes to be credited, except you Gentlemen, of your ſelves can convict upon your own knowledge theſe Perſons of any Miſdemeanor, which I think you cannot, much leſs of Perjurie. But beſides, the Witneſſes we have produced, all which ſpeak to the Plot in general, and four of them fix it upon the Perſon at the Bar; they ſpeak particularly, and every one agrees in Circumſtances, and that other that ſpoke mincingly, I put it upon; it is the greateſt Evidence that can be. For that perſon that could come before a Grand Jury, and there be the main Witneſs, but when he comes here, muſt be ſcru'd and pump'd to diſcover the ſeventy thouſand men. And I ſuppoſe you did obſerve how difficult it was to know of him, whether this Perſon was Primate of *Ireland*, or whether it were from the authority of the King or the Pope, a very probable thing, that he ſhould be ſuch a one as the King deſigned to be Primate and Superintendent of *Ireland*. Further, my Lord, this I deſire to take notice of too, that *Wyer*, the firſt Witneſs, fixes four particular things upon the Priſoner at the Bar, which have not yet been taken notice of. Firſt he fixes a diſcourſe with another perſon that was Competitor with him for this very Office, Biſhop *Duffy*, and he gives the reaſon why he was admitted into the Office rather than the other, becauſe he was a man of greater Ability to carry

him.

carry on the Deſign, and though he does not give you an account of the Deſign; yet the reſt of the Evidence do, and make it to be the Deſign then carrying on. Another thing is, he tells you of the ſending one into *France*, that was to come back again in order to this Deſign, I think his name was *Mac Donnel*, and then the great Tory *Flemming* and he were to come back again Colonels in the Army that was to be raiſed. The next perſon, that fixes it upon him, is Mr. *Han O Neal*; and he gives the plaineſt Circumſtances, That at a time in *Auguſt* when Biſhop *Tyrrel* came to the Houſe of one *Bradey* with ſo many men well equipped with ſuch and ſuch Arms, and took the Oath of Secreſie; he himſelf, but not only he, but the other Prieſt *Mac Legh*, was preſent at the ſame time, and took the ſaid Oath, and he does tell you that that very Prieſt was ſent to *Dublin* to diſcover it at that very time, and ſo he hath fixed the Perſon, and Time, and the Buſineſs they came about. Then *Mac Legh* comes and tells you the ſame thing in every circumſtance; Ay, but ſays the Priſoner at the Bar, and he would make it to be a great Objection, How chance that they have concealed this all the while, and not diſcovered it to ſome Juſtice of the Peace? Why, ſays one, I was under your Juriſdiction in that place, that is the very reaſon he gives wherefore he durſt not, and ſays another, I was concerned and as earneſt as the Priſoner or any body elſe, but going into *France*, I obſerved the ſlavery that all the Subjects were under, under the Tyranny of that King, and apprehending that the ſame King was to come into *Ireland* by the means of theſe Gentlemen; I was concerned at it, and had rather the Devil ſhould reign over us than ſuch an one, and therefore I will diſcover it. And he ſaid very well I think, that he had rather have the Devil to reign; for it ſeems to be him, or one in his ſhape that reigns after that manner. And there are two perſons that ſwear to the very year that they were obliged to raiſe the mony, and ſwear poſitively, they ſaw his Orders *ſub pœna ſuſpenſionis*, I do not know whether they mean hang'd or ſuſpended from their Office. But it ſeems it was ſo terrible that it made them pay twenty Shillings a piece for three years ſucceſſively. And there is another Gentleman that tells you, that out of a ſmall Living, wherein he was concerned only as Curate to a third perſon it had been paid two or three times; and another, though he was exempt himſelf from the payment, yet ſo great a Confident was he of the Priſoner's at the Bar, that he was preſent when

he ſaw thirty or fourty pay this Tax, and whereas the Priſoner at the Bar would make it thought a ſtrange thing, that he ſhould raiſe ſo much mony, who had but a houſe ſeven foot high, it ſeems there is above that thatch'd houſe a Chappel.

Plunket. There is no Chappel.

Mr. Serj. *Jeff.* But now, my Lord, that which ſubſtantially proves what theſe Witneſſes ſay, is the Letter that is ſent to *Rome* to the Secretary of the College *De propaganda Fide*, which is the laſt Letter that the laſt Gentleman ſpeaks of, wherein he does particularly take notice, that he had taken care to raiſe ſuch moneys, and view all the Ports and places of ſtrength. And, my Lord, that which is a very great circumſtance to back the Evidence of the firſt Letter to the French Cardinal *Bouillon* which was taken notice of by the firſt Witneſs, and there is ſuch a paſſage in this too, that the Catholick Princes ſhould not ſpill one anothers blood, when they might better employ it here in *Ireland* for the propagation of the Faith; this laſt Letter takes particular notice of that very inſtance too, that inſtead of drawing their Swords againſt one another, they had better come to promote the Catholick Faith in *Ireland*. Theſe four Witneſſes are punctual and preciſe in every particular circumſtance of the Caſe, and againſt them there is nothing but the common Objection. If I had ſuch Records, and Witneſſes here, I could make my Defence; that is, if he had thoſe things that he has not, he might appear to be another man than he is; but I am ſure, as it appears upon the Evidenee that hath been given by all the Witneſſes, there is a plain proof and a full proof of every Treaſon laid to his Charge.

Plunket. My Lord, I deſire theſe Witneſſes may be called [*giving in a Paper.*]

Cryer. David Fitz-gerard, Euſtace Commines and *Paul Gormar.*

L. C. J. Who gave him this Paper, he had it not before?

Stranger. I was told that theſe were good Evidences for Dr. *Plunket*, and I gave him the Names.

L. C. J. Where are they?

Stranger. They are hard by.

Mr. *Att. Gen.* Where is *Euſtace Commines*, for he was one that gave in Evidence againſt the Priſoner.

[*Then* Paul Gormar *appeared.*]

L. C. J. What would you ask him?

Plunket.

Plunket. I desire to know of him, whether Mr. *Moyer* did allure and intice him to swear against me?

Gormar. Indeed, my Lord, he never did.

L. C. J. Will you ask him any more?

Gormar. But this, my Lord, Mr. *Moyer* and I were in discourse, and he said if there was Law to be had in *Ireland*, he would shew Mr. *Plunket* his share in it.

L. C. J. Well, what of that?

Gormar. My Lord, I did come out of *Ireland* to reveal what Plots the *Irish* had against the King, and as for this Mr. *Plunket*, as I have a Soul to save, I never heard of any misdemeanor of him.

Mr. Just. *Dolben.* How came you here to day?

Gormar. I was summoned.

Mr. Just. *Dolb.* By whom? Was it the Attorney General or *Plunket* that summoned you?

Gormar. Here is the Summons.

Mr. Serj. *Jeff.* It is a common *Sub Pœna.*

Plunket. I never sent for him.

Gormar. It was not against you, they know I had nothing against you, I thought you did more good in *Ireland* than hurt, so I declare it.

L. C. J. Have you any more Witnesses? if *Fitz-Gerard* or *Commines* will come, we will hear them.

Plunket. My Lord, I have not any more Witnesses.

L. C. J. Look you, Gentlemen of the Jury, This Gentleman here, Mr. *Plunket* is indicted of High-Treason, and 'tis for Conspiring the King's Death, and endeavouring to bring the *French* Army into *Ireland* for to Invade that Kingdom, and to plant the Romish Religion in that Kingdom. You have had Evidence against him that hath been fully examined. And these things do seem to be very plain by the Witnesses, That he himself hath taken a Commission, or a Grant, or what you will please to call it, from the Pope to be Primate of *Ireland*, that he hath taken upon him to make Laws as the Provincial and that he hath undertaken and endeavoured to settle the Popish Religion in that Kingdom, and in order to that, he hath invited the Aid of the French Army, and that he hath for the better landing of them, looked out what places were most convenient for them; That he hath set a Tax upon the Clergy within his Province for the facilitating of

all this, and for the making preparations for the entertainment of this Army. This the Witneſſes teſtifie againſt him, and that there were ſome Towns, as *Dungannon* and another Town, that were to be betrayed to the *French*. Now you muſt conſider concerning theſe Witneſſes: If you believe the Evidence that hath been given, and which hath been repeated by the Kings Counſel, and if you believe that he did deſign to bring in a French Army, to eſtabliſh the Roman Religion there again, and that he took upon him to raiſe mony for that purpoſe, ſurvey'd the Ports, and made ſuch proviſions, as the Witneſſes ſpeak of, and was in that Conſpiracy; you muſt find him Guilty, I leave it to you, it is a pretty ſtrong Evidence, he does not ſay any thing to it, but that his Witneſſes are not come over.

Plunket. I can ſay nothing to it, but give my own proteſtation, that there is not one word of this ſaid againſt me is true, but all plain Romance, I never had any communication with any French Miniſter, Cardinal, nor other.

Then the Jury withdrew for a quarter of an hour, and being returned gave this Verdict.

Cl. of Cr. Oliver Plunket, hold up thy hand. How ſay you, is he Guilty of the High-Treaſon whereof he ſtands Indicted, or not Guilty?

Foreman. Guilty.

Plunket. Deo Gratia. God be thanked.

Then the Verdict was Recorded, and the Court roſe. And the Keeper went away with his Priſoner.

On *Wedneſday* 15. *Junii* 1681., *Oliver Plunket* was brought to the Bar to receeive his Judgment.

Mr. *Att. Gen.* My Lord, I pray your Judgment againſt the Priſoner *Oliver Plunket.*

Cl. of Cr. Oliver Plunket, hold up thy Hand; Thou haſt been Indicted of High-Treaſon, thou haſt been thereupon Arraigned, thou haſt thereunto pleaded not Guilty, and for thy Trial haſt put thy ſelf upon God and the Country, which Country hath found thee Guilty, what haſt thou to ſay for thy ſelf, why Judgment of Death ſhould not paſs upon thee, and Execution be thereupon awarded according to the Law.

Plunket. My Lord, may it pleaſe your Lordſhip, I have ſomething to ſay, which if your Lordſhip will conſider ſeriouſly, may occaſion the Courts Commiſeration and Mercy. I have, my Lord, for this Fact

been

been Arraigned in *Ireland*, and brought to my Trial there. At the day of my Trial all the Witneſſes voluntarily abſented themſelves, ſeeing I had Records and Witneſſes to convince them evidently and ſhew what men they were, and the prepenſed Malice that they did bear to me, and ſo finding that I could clear my ſelf evidently, they abſented themſelves on the day of my Tryal no Chriſtian appeared, but hither over they come, and procure that I ſhould be brought hither, where I could not have a Jury that knew the Qualities of my Adverſaries, or who knew me, of the circumſtances of the Places, Times, and Perſons; the Juries here as I ſay were altogether ſtrangers to theſe Affairs, and ſo, my Lord, they could not know many things that conduce to a fair Tryal, and it was morally impoſſible they ſhould know it. I have been accuſed principally and chiefly for ſurveying the Ports, for fixing upon *Carling ford* for the Landing of the *French*, for the having of ſeventy thouſand Men ready to join with the *French*, for collecting Mony for the Agents in this matter, for the aſſiſting of the *French* and this great Utopian Army. A Jury in *Ireland* conſiſting of men that lived in that Country, or any man in the World that hath but ſeen *Ireland* in a Map, would eaſily ſee there was no probability that that ſhould be a place fit for the *French* to land in, though he never was in *Ireland*, yet by the Map, he would ſee they muſt come between the narrow Seas all along to *Ulſter*, and the Rocks, and ſuch places would make it very dangerous; and by their own confeſſion it was a poor Town, and of no ſtrength, a very ſmall Garriſon, which had not been ſo, if it had been a place of any conſideration. And whereas I had Influence only upon one Province, as is well known, though I had the Title of Primate of all *Ireland*, as the Archbiſhop of *Canterbury* hath of all *England*; yet the Arch Biſhop of *York* will not permit him to meddle with his Province; and 'tis well known by the Gentry there, and thoſe that are accuſtomed to the place; That in all the Province of *Ulſter*, take Men, Women and Children of the Roman Catholicks, they could not make up ſeventy Thouſand. This, a Jury there, my Lord, had known very well, and therefore the Laws of *England*, which are very favourable to the Priſoner, have provided that there ſhould be a Jury of the place where the Fact was committed, as Sir *Thomas Gaſcoine*, as I have heard, had a *Yorkſhire* Jury, though he was tryed at *London*. And then after my coming here, I was kept cloſe Priſoner for ſix Months, not any Chriſtian was permitted

to

to come at me, nor did I know any thing, how things ſtood in the World. I was brought here the third of *May*, to be arraigned, and I did petition your Lordſhip to have ſome time for my Tryal, and I would have had it put off till *Michaelmaſs*, but your Lordſhips did not think fit to grant ſo long, but only till the eighth of this month, when my Witneſſes who were ready at the Sea ſide, would not come over without Paſſes, and I could not get over the Records without an Order from hence; which Records would have ſhewn that ſome of the Witneſſes were indicted and found guilty of high Crimes, ſome were impriſoned for Robberies, and ſome of the Witneſſes were infamous people, ſo I petitioned the eighth of this month, that I might have time but for twelve days more, but your Lordſhip thought when the motion was made, that it was only to put off the Trial, and now my Witneſſes are come to *Coventry* yeſterday morning, and they will be here in a few days, and ſo for want of time to defend my ſelf in, I was expoſed to my Adverſaries, who were ſome of my own Clergy, whom for their debauched Lives, I have corrected, as it is well known there. I will not deny my ſelf, but that as long as there was any Toleration and Connivance, I did execute the Function of a Biſhop, and that by the ſecond of *Elizabeth* is only a Premunire, and no Treaſon. So that, my Lord, I was expoſed defenceleſs to my Enemies, whereas now my Witneſſes are come, that could make all appear. I did beg for twelve days time, whereby you might have ſeen as plain as the Sun, what thoſe Witneſſes are that began the Story, and ſay theſe things againſt me. And, my Lord, for thoſe Depoſitions of the ſeventy thouſand Men, and the Monies that are collected of the Clergy in *Ireland*, they cannot be true, for they are a poor Clergy that have no Revenue nor Land; they live as the Presbyterians do here, there is not a Prieſt in all *Ireland*, that hath certainly or uncertainly above threeſcore pounds a year, and that I ſhould collect of them forty ſhillings a piece, for the raiſing of an Army, or for the Landing of the *French* at *Carlingford*; if it had been brought before a Jury in *Ireland*, it would have been thought a meer Romance. If they had accuſed me of a *Præmunire* for the exerciſe of my Epiſcopal Function, perhaps they had ſaid ſomething that might have been believed, but my Lord, as I am a dying man, and hope for Salvation by my Lord and Saviour, I am not guilty of one point of Treaſon they have ſwore againſt me, no more than the Child that was born. but yeſterday.

day. I have an Atteſtation under my Lord of *Eſſex*'s hand concerning my good Behaviour in *Ireland*, and not only from him, but from my Lord *Berkley*, who was alſo Governour there, which the Kings Attorney ſaw; But here I was brought, here I was tried, and having not time to bring my Witneſſes, I could not prove my Innocency, as otherwiſe I might. So that, if there be any Caſe in the World that deſerves Compaſſion, ſurely my Caſe does; and 'tis ſuch a rare Caſe, as I believe you will not find two of them in print, that one arraigned in *Ireland*, ſhould be tried here afterwards for the ſame Fact. My Lord, if there be any thing in the World that deſerves pity, this does, for I can ſay, as I hope for mercy, I was never guilty of any one point they have ſwore againſt me, and if my Petition for time had been granted, I could have ſhewn how all was prepenſe Malice againſt me, and have produced all Circumſtances that could make out the Innocency of a perſon. But not having had time, and being tried, I am at your mercy.

L. C. J. Well, you have nothing further to ſay in Bar of Judgment, you have ſaid all you can?

Plunk. I have nothing further to ſay, but what I have ſaid.

Then Proclamation was made for ſilence, while Judgement was paſſing upon the Priſoner.

L. C. J. Look you, Mr. *Plunket*, You have been here indicted of a very great and hainous Crime, the greateſt and moſt hainous of all Crimes, and that is, High Treaſon; and truly yours is a Treaſon of the higheſt nature, 'tis a Treaſon in truth againſt God an your King, and the Country where you lived. You have done as much as you could to diſhonour God in this caſe; for the bottom of your Treaſon was, the ſeting up your falſe Religion, than which, there is not any thing more diſpleaſing to God, or more pernicious to mankind in the World: a Religion that is ten times worſe than all the Heatheniſh Superſtitions, the moſt diſhonourable and derogatory to God and his Glory of all Religions or pretended Religions whatſoever; for it undertakes to diſpenſe with Gods Laws, and to pardon the breach of them. So that certainly a greater Crime there cannot be committed againſt God, than for a man to endeavour the Propagation of that Religion; but you, to effect this, have deſigned the Death of your lawful Prince and King. And then your deſign of Blood in the Kingdom where you lived, to ſet all together by the ears, to deſtroy poor innocent people,

to

to proſtitute their Lives and Liberties, and all that is dear to them to the Tyranny of *Rome* and *France*; and that by introducing a *French* Army. What greater evil can be deſigned by any man? I mention theſe things, becauſe they have all been fully proved againſt you; and that you may take notice, and repent of them, and make your peace with God, by a particular Application for Mercy for all theſe Faults: For it ſeems to me, that againſt God, your Prince, and fellow Subjects, you have behaved your ſelf very ill, deſigning very great evil to all theſe; and now it hath pleaſed God to bring you to Judgment.

I muſt tell you, peradventure what you urge for your ſelf might introduce pity, if it were to be believed, that is, that you are innocent, and had Witneſſes to prove it, but we cannot ſuppoſe any man innocent, that hath had a legal and a fair Trial, and a Trial with as much candor to you, as your Caſe could bear, or as perhaps any man in ſuch a Caſe ever had. You had time upon your Requeſt to ſend for your Witneſſes, to help you in your Defence, and to have proved your Innocence, if you could have done it; Time long enough to your own Content, you your ſelf thought it ſo, at the time it was given. To give a Priſoner under your circumſtances five or ſix weeks time to ſend for Witneſſes, is not uſual, we cou'd have put you upon a preſent Defence, and hurried you out of the World by a ſuddain Trial, if we had had any Deſign againſt you; but we go on in a fair way, and with legal Proceedings, and with as much Reſpect to you, as in ſuch a Caſe could be uſed, for we gave you all the fair Hearing and Liberty that you deſired to have.

Look you, as to what you urge, that your Trial was in this Kingdom, whereas your Offence was in another, that is a thing that does not become you by any means to object; for you have had a Trial here by honeſt perſons, and that according to the Laws which obtain in this Kingdom, and that too of *Ireland*, which is by a Statute not made on purpoſe to bring you into a Snare, but an ancient Statute, and not without Preſidents of its having been put in execution before your time. For your own Country will afford you ſeveral Preſidents in this Caſe, as *O Rurke*, and ſeveral others that have been arraigned and condemned for Treaſon done there. So that you have no reaſon to except againſt the Legality of your Trial. You ſay, now you have Witneſſes that could prove all this Matter, why that lies in the mouth

mouth of any man that is condemned to say; but pray consider with your self, what Regard ought to be given to this. We cannot help it, if your Witnesses don't come, you may remember they wanted not Time nor Opportunity to come over, but you told us they would not come unless they had a Passport.

Plunket. My Lord, they got a Pass to come over afterwards, and so in eight days they came hither.

Lord Chief Justice. You might have provided your self, if they wanted such a thing. In the first place, no body is bound to give it them; much less could you expect it for them without asking.

Plunkett. I could not get the Copies of the Records neither by any means, unless I had an Order from the Council, and they would not give that Order, unless your Lordship appointed it.

L. C. J. We cannot tell that, you should have petitioned in time.

Plunkett. How could any one foresee, unless he was God Almighty, that they would deny it, or that he could not get out a Copy of a Record, paying for it, without a Petition? All the Friends I had told me, upon Motion there it might be had, but here I have it under the Lieutenants and Councils Hands, that they would give no Copy of Records without Order from hence, which before I could know it, it was impossible for me to have them ready against my Trial.

L. C. J. Look you Sir, I do speak this to you, to shew you that those Objections, which you seem to make against your Trial, have no weight at all, but in this Case it is not the Jury that are so material as the Witnesses themselves. I appeal to all that heard your Trial, if they could so much as doubt but that you were Guilty of what you were charged with. For consider here were persons that were of your own Religion, the most of them Priests, I think almost all of them in Orders.

Plunkett. There were two Friars and a Priest, whom I endeavoured to correct this seven Years, and they were Renegadoes from our Religion, and declared Apostates.

L. C. J. Look you Sir, they gave an Evidence very home to your

matter; you had liberty to examine them, and they gave you a rational Accompt of any thing you ask'd. Let me but put you in mind of one thing. You made Exceptions to one's Evidence, (and indeed that was very much of your Exception to all) why he did not reveal this in all that time: Truly he told you he was of your mind, till he went into *France*, and saw what a Slavery and Miſchief you endeavoured to introduce upon his and your own Countrymen, and this his Spirit roſe againſt, to ſee what a condition *Ireland* was like to be brought into. And pray, did not he give you a full Anſwer to that Queſtion?

Plunkett. I had ſufficient Witneſſes to prove he was an Apoſtate, and was chaſtiſed by me, and therefore had prepenſed Malice againſt me.

Lord Chief Juſtice. Therefore I have ſpoken this to the Satisfaction, I hope, of your ſelf, and all that hear it. I do now wiſh you to conſider, you are neat your end. It ſeems you have lived in a falſe Religion hitherto; it is not too late at any time to repent, I wiſh you may have the Grace to do ſo; In the mean time there is no room for us here, to grant you any kind of Mercy, though, I'le tell you, we are inclined to pity all Malefactors: Who ever have done evil, we are inclined to pity them, and wiſh heartily that they may repent, as we do, that you may of what you have done. But all we can do now, is, to ſay what the Law ſays, and that is to paſs Judgment upon you.

Plunkett. May it pleaſe your Lordſhip to give me leave to ſpeak one word. If I were a man that had no care of my Conſcience in this matter, and did not think of God Almighty, or Conſcience, or Heaven, or Hell, I might have ſaved my Life; For I was offered it by divers people here, ſo I would but confeſs my own Guilt, and accuſe others. But, my Lord, I had rather die ten thouſand deaths, than wrongfully accuſe any body. And the time will come when your Lordſhip will ſee what theſe Witneſſes are, that have come in againſt me. I do aſſure your Lordſhip, if I were a man that had not good Principles, I might eaſily have ſaved my own Life; but I had rather die ten thouſand deaths, than wrongfully to take away one farthing of any mans Goods, one day of his Liberty, or one minute of his Life.

L.C.J.

L. C. J. I am ſorry to ſee you perſiſt in the Principles of that Religion.

Plunket. They are thoſe Principles, that even God Almighty cannot diſpence withal.

L. C. J. Well, however the Judgment which we give you, is that which the Law ſays and ſpeaks.

And therefore you muſt go from hence, to the place from whence you came, that is to Newgate, *and from thence you ſhall be drawn through the City of* London *to* Tyburne; *there you ſhall be hanged by the Neck, but cut down before you are dead, your Bowels ſhall be taken out, and burnt before your Face, your Head ſhall be cut off, and your Body be divided into Four Quarters, to be diſpoſed of as his Majeſty pleaſes. And I pray God to have Mercy upon your Soul.*

Plunket. My Lord, I hope I may have this favour, of leave for a Servant and ſome few Friends that I have, to come at me.

L. C. J. I think you may have liberty for any Servant to come to you, I know nothing to the contrary.

Plunket. And ſome Friends that I have in Town.

L. C. J. But I would adviſe you to have ſome Miniſter to come to you, ſome Proteſtant Miniſter.

Plunket. My Lord, if you pleaſe, there are ſome in Priſon, that never were Indicted, or Accuſed of any Crime, and they will do my buſineſs very well; for they will do it according to the Rites of our own Church, which is the antient Uſage, they cannot do better, and I would not alter it now.

L. C. J. Mr. *Richardſon*, you may let his Servant come to him, and any Friend in your preſence, to ſee there be no Evil done, nor any Contrivances that may hereafter have an Influence upon Affairs.

Mr. Juſt. *Jones.* Be you preſent, or ſome body.

Plunket. My Servant I hope may come, without his being preſent.

L. C. J.

L. C. J. Yes, yes, his Servant may be with him alone. Well, Sir, we wish better to you, than you do to your self.

Plunket. God Almighty bless your Lordship. And now, my Lord, as I am a dead Man to this World, and as I hope for Mercy in the other World, I was never guilty of any of the Treasons laid to my Charge, as you will hear in time; and my Character you may receive from my Lord Chancellor of *Ireland*, my Lord *Berkley*, my Lord *Essex*, and the Duke of *Ormond*.

Then the Keeper took away his Prisoner, and upon Friday *the First of* July, *he was Executed according to the Sentence.*

FINIS.

ADVERTISEMENT.

Some Passages of the Life and Death of *John* Earl of *Rochester*, who died the 26. of *July*, 1680. By *Gilbert Burnet*, D. D. Are to be sold by *Eliphal Dobson* Bookseller on *Cork-Hill*, 1681.